



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
Region 1
5 Post Office Square, Suite 100
Boston, MA 02109-3912

VIA ELECTRONIC FILING

October 13, 2015

Ms. Eurika Durr
Clerk of the Board
U.S. Environmental Protection Agency
Environmental Appeals Board
1201 Constitution Avenue, NW
U.S. EPA East Building, Room 3334
Washington, DC 20004

RE: Town of Salisbury Sewer Commission
NPDES Permit Appeal No. 15-11; NPDES Permit No. MA0102873

Dear Ms. Durr:

Please find a Joint Status Report, and accompanying Certificate of Service, in connection with NPDES Appeal No. 15-11.

Sincerely,

Samir Bukhari
US Environmental Protection Agency
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Enclosures

Cc: William E. Taylor, Esq.

**BEFORE THE ENVIRONMENTAL APPEALS BOARD
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C.**

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| In the Matter of: |) | |
| |) | |
| Town of Salisbury |) | |
| Sewer Commission |) | NPDES Appeal No. 15-11 |
| |) | |
| NPDES Permit No. MA0102873 |) | |
| _____ |) | |

JOINT STATUS REPORT

I. BACKGROUND

On July 9, 2015, Region 1 of the United States Environmental Protection Agency (“Region”) issued National Pollutant Discharge Elimination System Permit No. MA0102873 to the Town of Salisbury, Massachusetts (“Salisbury”). On August 13, 2015, Salisbury timely filed a Petition for Review with the Environmental Appeals Board requesting review of certain conditions of the NPDES Permit. On September 2, 2015, the parties jointly moved the Board to stay proceedings for 60 days in order to facilitate settlement discussions. The Board granted the motion on September 11, 2015, staying the proceedings until November 10, 2015, and directing the parties to file a status report no later than October 13, 2015 and to include in that report recommended steps to resolve the pending Petition. *Order Granting Stay of Proceedings* at 2.

II. STATUS REPORT AND RECOMMENDED NEXT STEPS

The Region and the Town have been engaged in productive settlement discussions over the terms of an administrative order to comply with the NPDES Permit. The Region transmitted a draft of this administrative order to the Town for its review and comment on October 9, 2015. The Town has commenced its review of the order and expects to return with any comments shortly.

Based on the tenor and content of the discussions to date, the parties continue to believe that the most likely outcome of negotiations will be an agreement by the parties over the terms of an administrative order and dismissal by the Town of the pending Petition. Furthermore, the parties are optimistic that this result can be achieved within the term of the existing stay.

In light of the progress made toward settlement, the Region and Town recommend that the Board keep the existing stay in place to provide the parties with the time necessary to conclude their negotiations in an orderly manner.

Dated: October 13, 2015

Respectfully submitted,

U.S. EPA – Region 1

Town of Salisbury Sewer Commission

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Joint Status Report, in connection with *In re Town of Salisbury Wastewater Treatment Facility*, NPDES Appeal No. 15-11, was sent to the following persons in the manner indicated:

By Electronic Filing:

Ms. Eurika Durr
Clerk of the Board
U.S. Environmental Protection Agency
Environmental Appeals Board
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U.S. EPA East Building, Room 3334
Washington, DC 20004

By electronic mail, by agreement between the parties:

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Dated: October 13, 2015

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