



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 1
1 CONGRESS STREET, SUITE 1100
BOSTON, MASSACHUSETTS 02114-2023

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ENVIR. APPEALS BOARD

March 24, 2006

OFFICE OF THE
REGIONAL ADMINISTRATOR

VIA FAX AND EXPRESS MAIL

U.S. Environmental Protection Agency
Attn: Eurika Durr
Clerk of the Board, Environmental Appeals Board
Colorado Building
1341 G Street, N.W., Suite 600
Washington, D.C. 20005

Re: Status Report

**City of Marlborough Westerly Wastewater Treatment Facility
NPDES Permit No. MA0100480
Appeal Nos. NPDES 05-05 and 05-09**

Dear Ms. Durr:

Enclosed are two (2) originals and five (5) copies of a Status Report on Mediation and Permit Modification Proceedings submitted by EPA-New England Region in the above-referenced NPDES permit appeals.

If you should have any questions, please do not hesitate to contact me at 617-918-1095.

Sincerely,

Samir Bukhari
Attorney Advisor
Office of Regional Counsel
US EPA-Region 1

Enclosure

cc: Donald Anglehart, Esq., City of Marlborough
Kenneth L. Kimmell, Esq., Organization for the Assabet River
Peter Shelley, Esq., John A. Pike, Esq. & John L. Davenport, Esq., CLF
Glenn Haas, DEP
Deirdre Desmond, Esq., DEP
Roger Janson, EPA-Region 1
Dave Pincumbe, EPA-Region 1
Carl Dierker, EPA-Region 1
Ann Williams, EPA-Region 1
Sheila Igoe, EPA-OGC

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BEFORE THE ENVIRONMENTAL APPEALS BOARD
ENVIR. APPEALS BOARD
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

In re)
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)
City of Marlborough Westerly Wastewater)
Treatment Facility)
Permit No. MA0100480)
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)
_____)

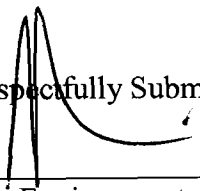
Appeal Nos. NPDES 05-05 and 05-09

STATUS REPORT ON MEDIATION AND PERMIT MODIFICATION PROCEEDINGS

The United States Environmental Protection Agency, New England Region (“Region”) respectfully submits this status report to the Environmental Appeals Board (“Board”) with respect to the above-captioned matter.

The Region is awaiting an executed notice of voluntary withdrawal from the City of Marlborough (“Marborough”). Marlborough has requested that the Region hold such notice in escrow pending a decision by the Organization for the Assabet River (“OAR”) to similarly withdraw its appeal. The Region understands that OAR’s Board of Directors will meet to consider the offer on March 29, 2006. In the event OAR decides to withdraw, the Region and the Massachusetts Department of Environmental Protection will assist Marlborough and OAR to coordinate their respective filings and dispose of all pending federal and state appeals. Resolution of the appeals will allow the major upgrade of the Marlborough Westerly Wastewater Facility to commence. The Region will provide the Board with an additional status report shortly after it learns of OAR’s final decision and will at that time suggest a future course of action. Until then, the Region respectfully requests that the Board delay taking further action with respect to the pending appeals in order to allow settlement efforts to conclude.

Respectfully Submitted,



U.S. Environmental Protection Agency
New England Region

By its Counsel,
Samir Bukhari
Attorney Advisor
Office of Regional Counsel
U.S. Environmental Protection Agency
1 Congress Street, Suite 1100 (RAA)
Boston, MA 02114-2023
(617) 918-1095

Dated: March 24, 2006

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing Status Report on Mediation and Permit Modification Proceedings in the matter of City of Marlborough Westerly Wastewater Treatment Facility (Permit No. MA0100480), NPDES Appeal Nos. NPDES 05-05 and 05-09, were sent to the following persons in the manner indicated:

By First Class U.S. Mail:

Kenneth L. Kimmell, Esq.
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Boston, MA 02116

Donald Anglehart, Esq.
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Peter Shelley, Esq., John A. Pike, Esq. and
John L. Davenport, Esq.
Conservation Law Foundation
62 Summer Street
Boston, MA 02110-1016

Deirdre Desmond, Esq. and Glenn Haas
Massachusetts Department of Environmental Protection
One Winter Street
Boston, MA 02108

By Facsimile and Federal Express:

U.S. Environmental Protection Agency
Environmental Appeals Board
Attn: Eurika Durr, Clerk of the Board
Colorado Building
1341 G Street, N.W., Suite 600
Washington, D.C. 20005

Dated: March 24, 2006



Samir Bukhari, Attorney
EPA - Region 1
Office of Regional Counsel