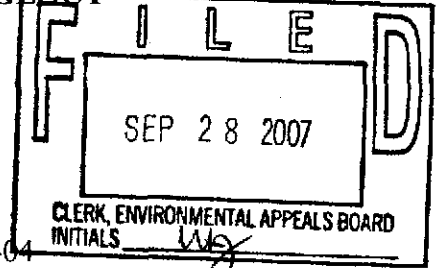


BEFORE THE ENVIRONMENTAL APPEALS BOARD
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C.



In re:)
Town of North Attleborough)
Wastewater Treatment Facility)
NPDES Permit No. MA-0101036)

NPDES Appeal Nos. 07-02 & 07-04

THIRD ORDER STAYING PROCEEDINGS

By motion received on September 27, 2007, U.S. EPA Region 1 (the "Region") seeks an additional 120-day stay of the proceedings in the above-captioned matters. See Joint Status Report and Third Motion to Extend the Stay of Proceedings ("Motion"). The Motion states that both petitioners, the Town of North Attleborough, Massachusetts (the "Town") and the Rhode Island Department of Environmental Management ("DEM"), have consented to this request. Motion at 3 n.3. In support of the Motion, the Region states that the parties have reached an agreement in this matter and "believe that the pending appeals can be satisfactorily resolved without further litigation." *Id.* at 2. Under the agreement, the Region states that it will withdraw the contested phosphorous limitation pursuant to 40 C.F.R. § 124.19(d) and modify the permit to include a phosphorous limit of 0.1 mg/l. Upon the effective date of this modification, the Motion states that petitioners will withdraw their petitions for review. *Id.* According to the Motion, the requested 120 stay:

will allow sufficient time to accommodate the following steps necessary to enact the settlement: (1) negotiation of a mutually satisfactory administrative compliance schedule to meet the nutrient limits; (2) preparation of a draft permit and fact sheet in accordance with 40 C.F.R. §§124.6 and .8 respectively; (3) a 30 day public comment period, as required by 40 C.F.R. §§ 124.19(d) and .10(b); (4) consideration of comments, if any, submitted on the draft modification and preparation of a response; and [(5)] a 30 day period to ensure that no appeals of the modification are filed.


Id. at 3.

For good cause shown, the Motion is granted. The Region's responses to the petitions for review must now be filed with the Board no later than January 28, 2008.¹ In addition, the Region shall submit status reports to the Board no later than October 31, 2007, November 30, 2007, and December 21, 2007, on the progress of the permit modification proceedings.

So ordered.

Dated: **SEP 28 2007**

ENVIRONMENTAL APPEALS BOARD

By: 

Scott C. Fulton
Environmental Appeals Judge

for

¹ Documents are "filed" with the Board on the date they are *received*.

CERTIFICATE OF SERVICE

I hereby certify that copies of the forgoing Third Order Staying Proceedings in the matter of Town of North Attleborough, Wastewater Treatment Facility, NDPES Appeal Nos. 07-02 & 07-04, were sent to the following persons in the manner indicated:

First Class Mail:

Jeffrey T. Blake
Kopelman and Paige, P.C.
101 Arch Street, 12th Floor
Boston, MA 02110-1109

Susan B. Wilson
Rhode Island Department of
Environmental Management
Office of Legal Services
235 Promenade St., 4th Floor
Providence, RI 02908-5767

Pouch Mail:

Samir Bukhari
Assistant Regional Counsel
U.S. EPA Region I (RAA)
One Congress Street – Suite 1100
Boston, MA 02114-2023

Dated: SEP 28 2007


Annette Duncan
Secretary