



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

**Region 1 – New England
5 Post Office Square, Suite 100
Boston, MA 02109-3912**

VIA ELECTRONIC FILING

October 18, 2013

Eurika Durr
Clerk of the Board
U.S. Environmental Protection Agency
Environmental Appeals Board
1200 Pennsylvania Avenue, NW
Mail Code 1103M
Washington, DC 20460-0001

RE: In re Uxbridge Wastewater Treatment Facility
NPDES Permit No. MA0102440; NPDES Appeal No. 13-06

Dear Ms. Durr:

Please find the attached Joint Second Status Report and Motion to Extend Stay, and accompanying Certificate of Service, in connection with NPDES Appeal No. 13-06.

Thank you for your assistance with this matter.

Sincerely,

/s/ Michael Curley
Michael Curley, Attorney-Adviser
US EPA – Region 1
5 Post Office Square - Suite 100
Mail Code: ORA18-1
Boston, MA 02109-3912
Tel: (617) 918-1623
Email: curley.michael@epa.gov

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

_____)	
In the Matter of:)	
)	
Town of Uxbridge)	
Wastewater Treatment Facility)	NPDES Appeal No. 13-06
)	
NPDES Permit No. MA0102440)	
_____)	

JOINT SECOND STATUS REPORT AND MOTION TO EXTEND STAY

Region 1 of the United States Environmental Protection Agency (“Region”) and the Town of Uxbridge Sewer Commission (“Uxbridge”) hereby provide the Environmental Appeals Board (“Board”) with an update of the progress of settlement negotiations in the above-captioned matter and respectfully request an extension of the current stay. Unfortunately, the shutdown of the federal government caused the cancellation of a scheduled site visit at which the parties and representatives from the Massachusetts Department of Environmental Protection (“MassDEP”) were to continue negotiations and discuss additional technical information submitted by Uxbridge. The three entities are now working to reschedule that meeting. The parties continue to believe that a negotiated settlement is possible and, accordingly, respectfully request that the Board extend the stay to December 31, 2013.

BACKGROUND

On June 18, 2013, the Region issued National Pollutant Discharge Elimination System Permit No. MA0102440 (“NPDES Permit”) to Uxbridge. On July 19, 2013,

Uxbridge filed a Petition for Review (“Petition”) with the Board requesting review of certain conditions of the NPDES Permit. The Board granted the parties’ joint motion for a stay on July 30, 2013. The Order stayed the proceedings until October 31, 2013 and required the parties to file an initial status report by September 20, 2013 and a second status report by October 18, 2013 to inform the Board of the progress of negotiations.

STATUS REPORT, RELIEF REQUESTED AND GROUNDS FOR RELIEF

As noted in the first status report, the parties and representatives from MassDEP convened in early September to commence settlement discussions, which resulted in, among other things, the scheduling of a subsequent meeting at the permitted facility. Following the initial meeting, Uxbridge prepared additional technical information to aid in discussions that were to occur during the second meeting and provided this material to the Region and MassDEP on October 1, 2013. Because of the shutdown of the federal government on that same day, however, EPA technical and legal staff assigned to this matter were placed in furlough status, were legally prohibited from working on this matter, and were not permitted to return to work until October 17, 2013. Consequently, the site visit, which had been scheduled for October 15, 2013, was necessarily cancelled through no fault of the parties. Although the three entities are currently working to identify another suitable date on which to meet at the site and continue settlement discussions, the shutdown has introduced inescapable delay into the pace of negotiations. Nonetheless, the parties remain committed to evaluating the potential for a negotiated settlement in this matter.

In light of the foregoing, the Region and Uxbridge jointly request that the Board (1) extend the stay of these proceedings until December 31, 2013, (2) require the parties

to file a third joint status report on the settlement negotiations by December 17, 2013, and (3) extend the due date for the Region's Response to the Petition and the filing of an index to the administrative record until January 30, 2014. The parties continue to believe that a negotiated resolution of some or all of the issues raised in the appeal may be possible.

Dated: October 18, 2013

Respectfully submitted,

U.S. EPA – Region 1

Town of Uxbridge Sewer Commission

/s/ Michael Curley
Michael Curley, Esq.
Office of Regional Counsel
5 Post Office Square, Suite 100
Mailcode: ORA18-1
Boston, MA 02109-3912
Tel: (617) 918-1623
Fax: (617) 918-0623
E-mail: curley.michael@epa.gov

/s/ Michael Curley for John Shea
John F. Shea, Esq.
Mackie Shea O'Brien, P.C.
420 Boylston Street, 5th Floor
Boston, MA 02116
Tel: (617) 266-5700
Fax: (617) 266-5237
E-mail: jfs@lawmso.com

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Joint Second Status Report and Motion to Extend Stay, in connection with *In re Town of Uxbridge Wastewater Treatment Facility*, NPDES Appeal No. 13-06, 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
1201 Constitution Avenue, NW
U.S. EPA East Building, Room 3334
Washington, DC 20004

By electronic mail, by agreement between the parties:

Mr. John F. Shea, Esq.
Mackie Shea O'Brien, P.C.
420 Boylston Street, 5th Floor
Boston, MA 02116
E-mail: jfs@lawmso.com

Dated: October 18, 2013

/s/ Michael Curley _____
Michael Curley, Esq.
U.S. Environmental Protection Agency
Office of Regional Counsel, Region I
5 Post Office Square - Suite 100
Mail Code: ORA18-1
Boston, MA 02109-3912
Tel: (617) 918-1623
Fax: (617) 918-0623
E-mail: curley.michael@epa.gov