

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

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

VIA ELECTRONIC FILING

January 17, 2014

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 Fourth Joint Status Report 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

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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)	
)	

FOURTH JOINT STATUS REPORT

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. The parties are working diligently to craft an Administrative Order on Consent to successfully settle the matter. To that end, additional discussions between the parties' technical staffs have occurred and the Region is currently revising the draft order. The Region intends to complete its technical revisions, coordinate appropriate internal legal review, and share the revised draft with Uxbridge shortly.

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 and the parties' subsequent joint motions to extend the stay. The Board's December 30, 2013 Order stayed the proceedings until February 28, 2014 and, *inter alia*, required the parties to file a Status Report by January 17, 2014.

STATUS REPORT

Since the filing of the parties' December 26, 2013 Joint Motion to Extend Stay of Proceedings, the parties have made further progress in the preparation of a draft Administrative Order on Consent. As noted in the motion, a preliminary internal review of the draft order identified the need for an additional, limited exchange of information and discussion between technical staffs of EPA and Uxbridge on an important issue. Since that filing, Uxbridge provided the Region with monitoring data from the facility for the months of November and December 2013. In addition, the exchange of information and technical discussions referenced in the motion occurred and have largely concluded. Consequently, the Region has begun revising the draft order as appropriate. At present, regional technical staff are also analyzing the facility's past performance data for select pollutants in order to calculate appropriate interim effluent limitations to be incorporated into the draft order. The Region intends to complete these revisions and calculations, coordinate appropriate internal legal review, and share the revised draft with the Town shortly.

Dated: January 17, 2014

Respectfully submitted,

U.S. EPA – Region 1

Town of Uxbridge Sewer Commission

/s/ Michael Curley
Michael Curley, Esq.
Office of Regional Counsel

_/s/ Michael Curley for John F. Shea John F. Shea, Esq. Mackie Shea O'Brien, P.C. 5 Post Office Square, Suite 100

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Fourth Joint Status Report, 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: January 17, 2014

/s/ Michael Curley

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