



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

VIA ELECTRONIC FILING

September 14, 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: City of Nashua Wastewater Treatment Facility
NPDES Permit Appeal No. 15-06; NPDES Permit No. MA0100170

Dear Ms. Durr:

Please find a Joint Status Report in connection with NPDES Appeal No. 15-06.

Sincerely,

Samir Bukhari
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Enclosures

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

_____)	
In the Matter of:)	
)	
City of Nashua)	
Wastewater Treatment Facility)	NPDES Appeal No. 15-06
)	
NPDES Permit No. NH0100170)	
_____)	

JOINT STATUS REPORT

I. Background

On April 13, 2015, the City of Nashua, New Hampshire filed a Petition for Review (“Petition”) with the Environmental Appeals Board (“Board”) requesting review of certain conditions of a National Pollutant Discharge Elimination System (“NPDES”) permit issued by Region 1 of the United States Environmental Protection Agency (“Region”) authorizing discharges of wastewater effluent from the City’s Wastewater Treatment Facility to the Merrimack River, as well as from nine Combined Sewer Overflows to the Merrimack and Nashua Rivers.

On July 7, 2015, the City and Region filed a joint motion requesting the Board to stay proceedings in the case to allow the parties to pursue settlement discussions. The Board granted the motion, ordering the parties to file a joint status report by August 5, 2015, and staying the proceedings until August 14, 2015. *See Order Granting Stay of Proceedings* at 2 (July 5, 2015).

The parties subsequently filed a Joint Status Report and Second Motion to Stay the Proceedings (July 31, 2015), in which they described the status of the settlement negotiations and requested an additional 45 day stay to allow sufficient time for, *inter alia*, the City to develop its counter offer to the Region's most recent settlement communication. In granting the requested stay, the Board directed the parties to file a status report no later than September 14, 2015, and to recommend steps to efficiently resolve the Petition. *See Order Extending Stay of Proceedings* at 2 (August 13, 2015).

II. Status Report and Recommended Next Steps to Resolve the Petition

On September 9, 2015, the City sent a written counter offer to the Region. To facilitate timely and efficient resolution of the Petition, the parties recommend the following steps:

1. The Region will immediately commence its review of the City's proposed settlement terms.
2. Prior to expiration of the stay on September 30, 2015, the City and the Region will meet at EPA Region 1's Boston office to recommence face-to-face negotiations.
3. While progress has been made in narrowing the issues in dispute, differences remain. Having arrived at their respective settlement positions on the issues after careful deliberation, the parties believe that they will be able to ascertain at this meeting whether the matter can be settled or not. As soon as practicable following this meeting, the parties will inform the Board whether to continue the stay of proceedings for a limited period to conclude settlement

discussions, and will specifically describe any actions to resolve the matter that will occur during that time, or to lift the stay and decide the case.

Dated: September 14, 2015

Respectfully submitted,

U.S. EPA – Region 1

City of Nashua

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Joint Status Report, in connection with In re City of Nashua Wastewater Treatment Facility, NPDES Appeal No. 15-06, was sent to the following persons in the manner indicated:

By Electronic Filing:

Ms. Eurika Durr
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By Electronic Mail and U.S. Mail:

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Dated: September 14, 2015

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