



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 1
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ENVIR. APPEALS BOARD

April 5, 2006

VIA FAX AND EXPRESS MAIL

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

**Re: Status Report and Fifth Motion to Extend Stay of the Proceedings
City of Brockton, Brockton Advanced Water Reclamation Facility
NPDES Appeal No. 05-04
NPDES Permit No. MA0101010**

Dear Ms. Durr:

Enclosed is an original and five (5) copies of a Status Report and Fifth Motion to Extend Stay of the Proceedings in connection with NPDES Appeal No. 05-04.

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

Enclosures

cc:

Timothy A. Watts
Douglas H. Watts
George Olson

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

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In the Matter of:)
)
)

Brockton Advanced Water)
Reclamation Facility,)
City of Brockton, Massachusetts)
_____)

NPDES Appeal No. 05-04
NPDES Permit No. MA0101010

**STATUS REPORT AND FIFTH MOTION TO EXTEND STAY OF THE
PROCEEDINGS**

The New England Region of the Environmental Protection Agency ("Region") respectfully submits to the Environmental Appeals Board ("Board") this Status Report and Fifth Motion to Extend Stay of the Proceedings in the above-referenced appeal. Timothy Watts and Douglas Watts ("Petitioners") assent to this status report and stay motion.

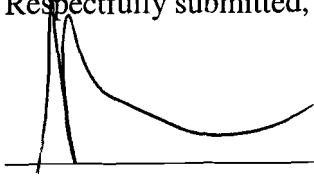
The Region, the City of Brockton ("Brockton") and Petitioners have successfully concluded settlement discussions and resolved all outstanding issues, including those described in the Region's Status Report and Fourth Motion to Extend Stay of the Proceedings, filed with the Board on January 4, 2006. As discussed earlier, Brockton's commitment to conduct a water quality assessment and to adopt ultraviolet disinfection technology will be reflected in a consent decree currently being negotiated to resolve an ongoing enforcement proceeding. The Region and Petitioners are now waiting for the consent decree to be finally negotiated, lodged and entered in the federal district court.

Once that occurs, the Petitioners and Region will jointly move to dismiss the pending appeal.

Counsel involved in the enforcement proceedings expect that a final version of the consent decree will be circulated to Brockton within the next ten (10) days. A sixty (60) to ninety (90) day internal review period will follow. The consent decree will then be lodged in the federal district court and, after a sixty (60) day public comment period, will be entered.

Given that the schedule for completion of the consent decree remains relatively fluid and that the elements necessary to the resolution of the permit appeal (such as the comprehensive water quality assessment) are to be reflected in the consent decree, the Region respectfully requests the Board to stay the proceedings pending entry of the consent decree. The Region will submit regular status reports at ninety (90) day intervals, or sooner should circumstances warrant, in order to provide the Board with brief updates on the progress toward finalizing the consent decree, as well as more certain projections of the anticipated filing date of the Region's and Petitioners' joint motion to dismiss the pending appeal.

Respectfully submitted,



U.S. Environmental Protection Agency,
New England Region

By its Attorney,
Samir Bukhari
Attorney Advisor
U.S. Environmental Protection Agency
One Congress Street, Suite 1100 (RAA)
Boston, MA 02114-2023

617-918-1095
Fax 617-918-0095
bukhari.samir@epa.gov

Dated: April 5, 2006

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing Status Report and Fifth Motion to Extend Stay of the Proceedings in the matter of Brockton Advanced Water Reclamation Facility, NPDES Appeal No. 05-04, were sent to the following persons in the manner indicated:

By First Class U.S. Mail:

Timothy A. Watts
633 Wareham Street
Middleboro, Massachusetts 02346
Telephone: (508) 946-6191

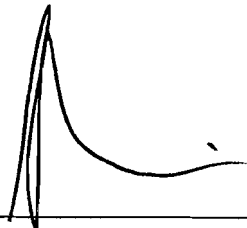
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By Facsimile and Federal Express:

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Washington, D.C. 20005

Dated: April 5, 2006



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