UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION I
ONE CONGRESS STREET SUITE 1100
BOSTON, MASSACHUSETTS 02114-2023

BY MAIL

June 8, 2007

Eurika Durr, Clerk of the Board,
Environmental Appeals Board (MC 1103B)
U.S. Environmental Protection Agency
Ariel Rios Building
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460-0001

Re: City of Leominster Water Pollution Control Facility
Appeal No. NPDES 06-16

Dear Ms. Durr:

Please accept this Status Report and Motion to Extend Stay of the Proceedings in the above-captioned matter. I am also sending you a facsimile and submitting an electronic copy.

Please contact me at 617-918-1787, or by fax at 617-918-0787 or by electronic mail at Caditz.Joshua@epa.gov, if you need to discuss this filing.

Sincerely,

Joshua Caditz
Assistant Regional Counsel

cc: Mr. Jeffrey T. Blake, Esq., Kopelman and Paige

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

In the Matter of:	)	
	)	
Leominster Water Pollution Control Facility	)	
	)	**Appeal No. NPDES 06-16**
NPDES Permit MA0100617	)	
	)	

STATUS REPORT AND MOTION TO EXTEND STAY OF PROCEEDINGS

The United States Environmental Protection Agency, New England Region ("Region") and the City of Leominster ("City") respectfully submit to the Environmental Appeals Board ("Board") this Status Report and Motion to Extend Stay of Proceedings with respect to the above-captioned matter.

On September 28, 2006, the Region reissued NPDES Permit, No. MA0100617 ("Permit"), to the City authorizing discharges from the Leominster Water Pollution Control Facility into the North Nashua River and establishing effluent limitations, monitoring requirements, and other conditions for such discharges. On November 3, 2006, the City filed a petition for review by the Environmental Appeals Board ("Board") contesting the Permit's phosphorus limit of 0.2 mg/l from April 1 – October 31, and the phosphorus limit of 1.0 mg/l from November 1 – March 31. The Board received the petition on November 3, 2006, and directed the Region to respond to the petition no later than January 3, 2007.

On December 14, 2006, the City and the Region jointly moved to stay the proceedings until April 3, 2007, in order to allow the parties to try to resolve the issues on

appeal through settlement negotiations. On December 15, 2006, the Board issued an order staying the proceedings in this matter until April 3, 2007, and directing the parties to submit a Status Report to the Board by February 28, 2007. On February 27, 2007, the Region submitted a Status Report, describing the parties' continued negotiations on the terms of a compliance schedule, and a Motion to Extend the Stay of Proceedings until May 3, 2007. The Board granted the extension of the stay on February 28, 2007. On May 2, 2007, in light of ongoing negotiation over the terms of a compliance schedule, the Region requested a continuance of the stay until June 8, 2007. On May 4, 2007, the Board granted the continuance, required the parties to submit a joint report or parallel reports on the status of settlement negotiations by June 8, 2007, and provisionally scheduled a status conference for June 21, 2007.

The parties have made substantial progress towards settlement. The parties have reached an agreement on the appropriate terms of the compliance schedule. However, the parties continue to discuss some aspects of the Region's administrative order, which will incorporate the compliance schedule. Therefore, in order to provide sufficient time to conclude these discussions and for the Region to complete the administrative order, the parties request that the Board continue the stay of proceedings an additional 35 days (until July 13, 2007). On or as soon as possible before that date, the parties will submit a Status Report to advise the Board of the status of settlement discussions, and whether it is appropriate to continue the stay, dismiss the petition, or establish a schedule for the Region's response to the petition.