



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 1
1 CONGRESS STREET, SUITE 1100
BOSTON, MASSACHUSETTS 02114-2023

May 21, 2007

VIA FIRST CLASS MAIL AND ELECTRONIC SUBMISSION

U.S. Environmental Protection Agency
Environmental Appeals Board (MC1103B)
Attn: Eurika Durr, Clerk of the Board
Ariel Rios Building
1200 Pennsylvania Avenue, NW
Washington, DC 20460-0001


**Re: Joint Status Report and Third Motion for Stay of the Proceedings
Town of Marion, Massachusetts
NPDES Appeal No. 06-15
NPDES Permit No. MA0100030**

Dear Ms. Durr:

In connection with the above-referenced permit appeal, please find enclosed for docketing and review by the EPA Environmental Appeals Board ("Board") an originally executed copy of a Joint Status Report and Third Motion for Stay of the Proceedings, as well as a Certificate of Service. In lieu of five additional paper copies for the Board, electronic copies of each document have been posted to the CDX system.

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:

Robert C. Zora, Town of Marion
Bill McConnell, Camp Dresser McKee

Toll Free • 1-888-372-7341

Internet Address (URL) • <http://www.epa.gov/region1>

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

_____)	
In the Matter of:)	
)	
Town of Marion, Massachusetts)	NPDES Appeal No. 06-15
)	NPDES Permit No. MA0100030
)	
_____)	

**JOINT STATUS REPORT AND THIRD MOTION FOR STAY OF THE
PROCEEDINGS**

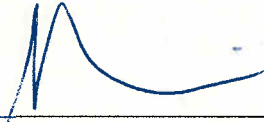
Upon motion by the Environmental Protection Agency-Region 1 (“Region”) and the Town of Marion, Massachusetts (“Permittee” or “Petitioner”), the Environmental Appeals Board (“Board”) stayed proceedings in the above-captioned matter until June 1, 2007 to allow the parties to settle their differences through a permit modification. *See* Order Granting Motion for Second Stay of Proceedings, dated February 20, 2007.

Shortly after the uncontested and severable conditions of the permit became effective on March 1, 2007, *see* Notice of Uncontested and Severable Conditions (January 4, 2007), the Region withdrew certain contested permit terms and issued a draft modification pursuant to 40 C.F.R. § 124.19(d) to implement the terms of the settlement. The draft modification was subject to public notice and comment. The comment period concluded on April 27, 2007. Comments were received from the Coalition for Buzzards Bay. The Region duly considered the comments and prepared a response. No changes have been made between the draft and final permit modifications. The Region will issue the final permit modification on May 22, 2007.

Prior to Petitioner withdrawing its petition for review and joining the Region in a motion to dismiss the pending appeal as moot, the parties would like to first confirm that the final modification is not appealed. The Region and Petitioner therefore request that the Board rescind the Region's current June 1, 2007, deadline for filing a response to Permittee's petition for review and extend the stay of proceedings until July 25, 2007, which is approximately thirty (30) days after the close of the permit modification appeals period. This will allow sufficient time to coordinate filing logistics with Town of Marion officials, and will also account for any delay that may result between the filing of a petition for review with the Board and the Region receiving notice of such a filing.¹ The Permittee has informed the Region of its assent to this motion.

¹ While the Region cannot definitively rule out an appeal of the modification, the Region does not believe an appeal to be likely based on the nature and relatively narrow scope of the issues addressed by the modification.

Respectfully submitted,



U.S. Environmental Protection Agency,
Region 1

By its Attorney,
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Dated: May 21, 2007

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing Status Report and Third Motion for Stay of the Proceedings in the matter of Town of Marion, NPDES Appeal No. 06-15, were sent on May 21, 2007 to the following persons in the manner indicated:

By First Class U.S. Mail and Electronic Submission (CDX):

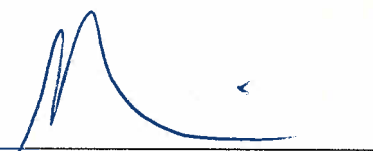
U.S. Environmental Protection Agency
Environmental Appeals Board (MC1103B)
Attn: Eurika Durr, Clerk of the Board
Ariel Rios Building
1200 Pennsylvania Avenue, NW
Washington, DC 20460-0001

By First Class U.S. Mail:

Robert C. Zora
Superintendent of Public Works
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Marion, MA 02738

Bill McConnell
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56 Exchange Terrace
Fourth Floor
Providence, RI 02903

Dated: May 21, 2007



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