

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

In re:)	
)	
Town of Northbridge Wastewater Treatment Plant)	Appeal No. NPDES 06-11
)	
NPDES Permit MA0100722)	
)	

STATUS REPORT ON SETTLEMENT DISCUSSIONS

The United States Environmental Protection Agency, New England Region (“Region”) respectfully submits this Status Report to the Environmental Appeals Board (“Board”) with respect to the above-captioned matter.

BACKGROUND

On September 13, 2006, the Region reissued NPDES Permit No. MA0100722 (“Permit”) to the Town, authorizing wastewater discharges from the Northbridge Wastewater Treatment Plant into an unnamed tributary to the Blackstone River and establishing effluent limitations, monitoring requirements, and other conditions for such discharges. On October 16, 2006, the Town filed a petition for review by the Board contesting the Permit’s phosphorus limit of 0.2 mg/l from April 1 – October 31, the phosphorus limit of 1.0 mg/l from November 1 – March 31, and the fecal coliform limits for the period of November 1 – March 31. The Board received the petition on October 16, 2006, and directed the Region to respond to the petition no later than December 4, 2006.

On November 29, 2006, the Board granted a stay of the proceedings until March 6, 2007, to enable the parties to negotiate a settlement of the issues raised in the petition for review. The Board also directed the parties to submit, by January 10, 2007, a status report on the progress of settlement discussions. On January 10, 2007, the Region filed a status report with the Board. On January 30, 2007, the Town submitted a report to the Region proposing a full-scale testing program to evaluate several alternatives for meeting the phosphorus permit limits. On February 14, 2007, the Region filed a motion to extend the stay of proceedings in order to evaluate the Town's proposal. On February 15, 2007, the Board granted an extension of the stay of proceedings until May 3, 2007, and directed the parties to submit a status report on the progress of settlement discussions no later than April 5, 2007.

STATUS REPORT

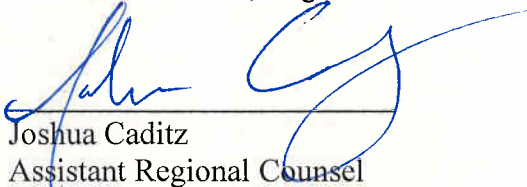
The parties continue to work towards settlement of the appeal of the phosphorus limits. The parties are currently focusing discussions on the timing and mechanisms for accomplishing the Town's proposal for short-term testing of phosphorus treatment options. The parties are planning to meet in April, to determine whether a mutually agreeable approach to such testing can be reached. Subsequent to that meeting, and no later than May 3, 2007, the Region will report to the Board as to whether such an agreement has been reached.

With respect to the contested fecal coliform limits for the period of November 1 – March 31 ("year round disinfection condition"), the Region has decided to withdraw and repropose the limits in order to take public comments on the limits. This will address the Town's concerns over the Region's decision to impose the year round disinfection condition, after the close of the public comment period, without reissuing a modified

draft permit for public comment. See Petition for Review at 19–20. As the EAB has not yet issued a decision as to whether to grant the Town’s petition for review, the Region intends to exercise its authority under 40 C.F.R. § 124.19(d) to withdraw the Permit’s fecal coliform limits for the period of November 1 – March 31. In accordance with 40 C.F.R. § 124.19(d), the Region will then issue for public comment a draft permit modification which would contain proposed fecal coliform limits for the period of November 1 – March 31. The draft permit modification will proceed through the same process of public comment and opportunity for public hearing as would apply to any other permit modification subject to 40 C.F.R. Part 124.

Respectfully submitted,

United States EPA, Region I



Joshua Caditz
Assistant Regional Counsel
US EPA Region 1 (RAA)
One Congress St. - Suite 1100
Boston, MA 02114-2023
Phone: (617) 918-1787
Fax: (617) 918-0787
Caditz.Joshua@epa.gov

Dated: April 5, 2007