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

In the Matter of: )  
 )  
Leominster Water Pollution )  
Control Facility )  
 )  
NPDES Permit MA0100617 )  
\_\_\_\_\_ )

Appeal No. NPDES 06-16

**Status Report on Settlement Discussions and Motion to Extend Stay of Proceedings**

The United States Environmental Protection Agency, New England Region (“Region”) respectfully submits this status report and, with the consent of counsel for the City of Leominster (“City”), moves to extend the stay of proceedings by an additional thirty (30) days, until May 3, 2007.

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.

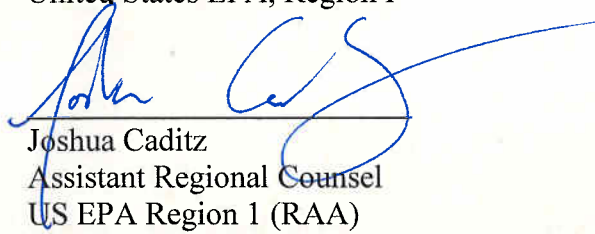
On December 15, 2006, the Board issued an order staying the proceedings in this matter until April 3, 2007, and directing the parties to submit a status report to the Board by February 28, 2007.

The parties have agreed to resolve the appeal through an administrative order and compliance schedule and are currently discussing the terms of the schedule.

Accordingly, the Region requests that the Board extend the stay of proceedings until May 3, 2007, to allow the parties sufficient time to develop a mutually acceptable compliance schedule. On or before that date, the parties will file a status report with the Board indicating whether: the City is withdrawing its petition and the Region is issuing an administrative order; additional time is needed to complete the order; or a briefing schedule should be established.

Respectfully submitted,

United States EPA, Region I



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