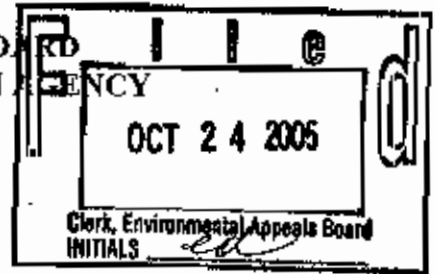


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BEFORE THE ENVIRONMENTAL APPEALS BOARD
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C.

2005 MAY 27 PM 2:03



ENVIR. APPEALS BOARD

In re:

Brockton Advanced Water Reclamation Facility

NPDES Permit No. MA0101010

) NPDES Appeal No. 05-04
)
)
)
)
)

ORDER GRANTING THIRD MOTION FOR STAY OF PROCEEDINGS

On October 20, 2005, Region I of the U.S. Environmental Protection Agency filed a status report and motion to extend the stay of the proceedings in the above-captioned matter, which currently extends through November 1, 2005. Counsel for Region I reports that petitioners Timothy A. Watts and Douglas H. Watts assent to the status report and motion. In its motion, Region I reports that the parties remain actively engaged in settlement discussions and continue to believe there is a substantial likelihood that the issues raised in the petition can be resolved without resort to litigation.

At present, the parties are still exploring the possibility of establishing an in-stream water quality monitoring program for the Salisbury Plain and Taunton Rivers to assess the impacts of the wastewater facility's discharges on receiving waters. Petitioners have agreed to withdraw their petition if a monitoring program is adopted and if the permittee (the City of Brockton, Massachusetts) commits to utilizing ultraviolet light rather than chlorine to treat the facility's effluent. In its latest motion, Region I reports that the permittee has indicated its willingness to implement ultraviolet disinfection, but that it recently raised the prospect of pursuing an alternative to the in-stream water quality study, which would be a regional wastewater planning study. The Region suggests that further time is needed to resolve these issues to the satisfaction

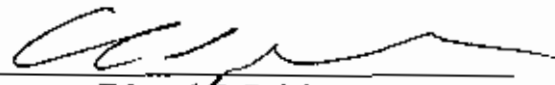
of the petitioners, the permittee, and the Region and therefore seeks a sixty-day extension in the stay of the permit appeal proceedings before the Environmental Appeals Board.

For good cause shown, the Region's motion is hereby **GRANTED**. The parties are hereby directed to provide the Board with a report, on or before **Monday, January 9, 2006**, describing the status of settlement negotiations in this case and suggesting a future course of action.

So ordered.

Dated: 10/24/05

ENVIRONMENTAL APPEALS BOARD

By: 
Edward E. Reich
Environmental Appeals Judge

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing **Order Granting Third Motion for Stay of 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
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Douglas H. Watts
38 Northern Avenue
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Samir Bukhari, Attorney Advisor
U.S. Environmental Protection Agency, Region I
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Boston, Massachusetts 02114-2023
telephone: (617) 918-1095
facsimile: (617) 918-0095

Dated: OCT 24 2005



Annette Duncan
Secretary

