



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

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ENVIR. APPEALS BOARD

JUN 19 2007

**VIA FACSIMILE AND FIRST CLASS MAIL**

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

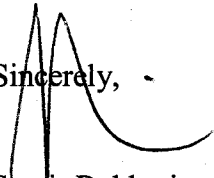
**Re: Status Report and Motion to Extend Stay of Proceedings  
Town of North Attleborough Wastewater Treatment Facility  
NPDES Appeal Nos. 07-02 and 07-04  
NPDES Permit No. MA0101036**

Dear Ms. Durr:

In connection with the above-referenced permit appeals, please find enclosed for docketing and review by the EPA Environmental Appeals Board two originally executed copies of EPA-Region 1's Status Report and Motion to Extend Stay of Proceedings, as well as a Certificate of Service. For each original, the Region has provided five additional paper copies.

If you should have any questions, please do not hesitate to contact me at 617-918-1095.

Sincerely, -

  
Samir Bukhari  
Assistant Regional Counsel  
Office of Regional Counsel  
US EPA-Region 1

Enclosures

cc:

Recipients Listed on Enclosed Certificate of Service

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.**

JUN 21 AM 10:57  
ENVIR. APPEALS BOARD

ORIGINAL

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In the Matter of: )

Town of North Attleborough )  
Wastewater Treatment Facility )  
NPDES Permit No. MA0101036 )

NPDES Appeal No. 07-02  
NPDES Appeal No. 07-04

**STATUS REPORT AND MOTION TO EXTEND STAY OF PROCEEDINGS**

Pursuant to a Motion to Stay the Proceedings filed by U.S. EPA Region 1 ("Region") on March 8, 2007, the U.S. Environmental Appeals Board ("Board") stayed proceedings in the above-captioned matter until June 25, 2007. *See Order Staying Proceedings (March 15, 2007) ("Order")*. In its Order, the Board directed the Region to file a status report on the progress of settlement discussions no later than May 1, 2007 and to file its responses to petitions for review no later than June 25, 2007.

Following a series of productive exchanges with representatives from the Town of North Attleborough ("Town") and the Rhode Island Department of Environmental Management ("DEM"), the Region informed the Board that it believed a negotiated resolution of the appeals would be possible. *See Status Report (April 30, 2007)*. The Region also informed the Board that the Town and DEM were in the early stages of considering a preliminary settlement proposal that had been crafted with input from all the parties.

The Region continues to believe a negotiated settlement to this dispute is possible. Upon

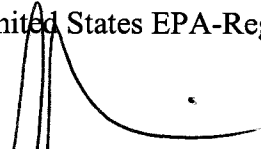
review of the settlement proposal, DEM has reacted favorably to its core terms while suggesting other areas, including with respect to the Region's calculation of metals limits, where continuing dialogue would be beneficial. The Region understands that Town officials are actively considering the proposal but will require several weeks, in part due to the logistics of the municipal budgetary process, for its consultants to fully assess the engineering implications of a modified permit. Once the Town formalizes its position, the Region intends to expeditiously convene a meeting among all the parties to accelerate progress toward a final resolution of this matter.

In light of the parties' continuing engagement in settlement discussions and because a negotiated settlement will avoid the delay and commitment of resources associated with protracted litigation, the Region respectfully requests that the Board continue the existing stay of the proceedings in this matter for an additional ninety (90) days. If at any point before that time the Region concludes that a negotiated settlement has become unlikely, the Region will so inform the Board and suggest an alternative course of action. The Region remains cognizant of the Board's offer "to assist in facilitating settlement in this matter should be parties determine that such assistance would be beneficial." *See* Order at 1 (March 15, 2007).

Counsel for the Town and DEM have assented to this motion.

Respectfully submitted,

United States EPA-Region 1



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Samir Bukhari, Esq.

Assistant Regional Counsel  
US EPA Region 1 (RAA)  
One Congress St. - Suite 1100  
Boston, MA 02114-2023  
Phone: (617) 918-1095  
Fax: (617) 918-0095

Dated: June 19, 2007

In the Matter of:  
Town of North Attleborough Wastewater treatment Facility  
NPDES Appeals Nos. 07-02 and 07-04

CERTIFICATE OF SERVICE

I, Samir Bukhari, hereby certify that copies of a Status Report in connection with above-referenced appeals were sent on June 19, 2007 to the following persons in the manner described below:

By Facsimile  
Original by First Class Mail

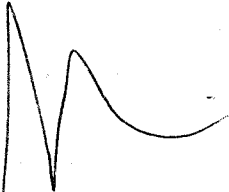
Eurika Durr, Clerk of the Board  
Environmental Appeals Board (MC 1103B),  
U.S. Environmental Protection Agency  
Ariel Rios Building  
1200 Pennsylvania Avenue, N.W.  
Washington, DC 20460-0001

Copy by First Class Mail

Jeffrey T. Blake, Esq.  
Kopelman and Paige, P.C.  
101 Arch Street  
12<sup>th</sup> Floor  
Boston, MA 02110-1109

Susan B. Wilson, Esq.  
Rhode Island Department of Environmental  
Management  
Office of Legal Services  
235 Promenade Street, 4<sup>th</sup> Floor  
Providence, RI 02908-5767

Dated: June 19, 2007



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Samir Bukhari  
Office of Regional Counsel  
US EPA Region 1 (RAA)  
One Congress St. - Suite 1100  
Boston, MA 02114-2023  
617-918-1095