



RECEIVED  
U.S. E.P.A.

2007 FEB 16 PM 12:04

ENVIR. APPEALS BOARD

Date: FEB 15 2007

**U.S. Environmental Protection Agency  
Office of Regional Counsel  
One Congress Street, Suite 1100  
Boston, MA 02114-2023  
Phone: (617) 918-1148  
Fax: (617) 918-1029**

**PLEASE DELIVER TO:**

**Eurika Durr  
Clerk, EPA Environmental Appeals Board  
(202) 233-0121**

**From: Samir Bukhari  
Attorney, Office of Regional Counsel  
EPA, Region 1**

**Number of Pages to Follow: 5**

---

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

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**

REGION 1  
1 CONGRESS STREET, SUITE 1100  
BOSTON, MASSACHUSETTS 02114-2023

RECEIVED  
U.S. E.P.A.

2007 FEB 16 PM 12:04

ENVIR. APPEALS BOARD

FEB 16 2007

**VIA FACSIMILE AND FIRST CLASS MAIL**

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

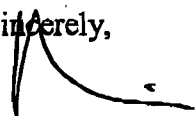
**Re: Status Report and Second Motion for Stay of the Proceedings  
Town of Marion  
NPDES Appeal No. 06-15  
NPDES Permit No. MA0100030**

Dear Ms. Durr:

Enclosed is an original and five (5) copies of a Status Report and Second Motion for Stay of the Proceedings in connection with NPDES Appeal No. 06-15.

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

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

RECEIVED  
U.S. E.P.A.

2007 FEB 16 PM 12:04

ENVIR. APPEALS BOARD

\_\_\_\_\_  
In the Matter of: \_\_\_\_\_  
Town of Marion, Massachusetts \_\_\_\_\_  
\_\_\_\_\_

NPDES Appeal No. 06-15  
NPDES Permit No. MA0100030

**JOINT STATUS REPORT AND SECOND MOTION FOR STAY OF  
PROCEEDINGS**

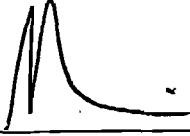
On November 2, 2006, the Town of Marion, Massachusetts ("Permittee") filed a timely petition for review with the Environmental Appeals Board of NPDES Permit No. MA0100030, which had been reissued by the Environmental Protection Agency-New England Region ("Region") on October 6, 2006. Upon joint motion by the parties, the EAB rescinded the December 19, 2006 deadline for the Region to file a response to the petition and stayed the appeal until February 19, 2007 to allow the parties to explore the potential for settlement. *See Order Granting Motion for Stay of Proceedings*, dated December 6, 2006.

The Region and the Permittee have successfully concluded a settlement, which will be reflected through a modification to the permit. Pursuant to 40 CFR § 124.19(d), the Region expects to withdraw certain contested conditions and propose a new draft permit modification shortly after the uncontested and severable conditions of the permit become effective on March 1, 2007. *See Notice of Uncontested and Severable Conditions*, dated January 4, 2007. The draft permit modification will be subject to a thirty (30) day notice and comment period in accordance with 40 CFR §§ 124.6 and

124.10. To allow the permit modification proceedings to conclude, the Region and the Permittee respectfully request that the Board continue the stay of proceedings until June 1, 2007, which is approximately ninety (90) days from the effective date of the permit.

The Permittee has informed the Region of its assent to this motion.

Respectfully submitted,



---

U.S. Environmental Protection Agency,  
New England Region

By its Attorney,  
Samir Bukhari  
Attorney Advisor  
U.S. Environmental Protection Agency  
One Congress Street, Suite 1100 (RAA)  
Boston, MA 02114-2023

617-918-1095  
Fax 617-918-0095  
[bukhari.samir@epa.gov](mailto:bukhari.samir@epa.gov)

Dated: FEB 16 2007

**CERTIFICATE OF SERVICE**

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

**By Facsimile and First Class U.S. 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

**By First Class U.S. Mail:**

Robert C. Zora  
Superintendent of Public Works  
Town of Marion DPW  
50 Benson Brook Road  
Marion, MA 02738

Bill McConnell  
Camp Dresser McKee  
56 Exchange Terrace  
Fourth Floor  
Providence, RI 02903

Dated: FEB 16 2007



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