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ENVIR. APPEALS BOARD

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To: Eurika Durr, Clerk of the Board

Fax: (202) 233-0121

**From: Joshua Caditz, Assistant Regional Counsel
US EPA Region 1**

Date: August 14, 2007

Number of pages including cover: 5

Return Fax: 617-918-0787

Message:



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION I

ONE CONGRESS STREET SUITE 1100
BOSTON, MASSACHUSETTS 02114-2023

AGENCY
U.S. E.P.A.

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ENVIR. APPEALS BOARD

BY FACSIMILE

August 14, 2007

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

Re: City of Leominster Water Pollution Control Facility
Appeal No. NPDES 06-16

Dear Ms. Durr:

Please accept a facsimile of the following Status Report for the above-captioned matter. I am also mailing you an original and submitting an electronic copy.

Please contact me at 617-918-1787, or by fax at 617-918-0787 or by electronic mail at Caditz.Joshua@epa.gov, if you need to discuss this filing.

Sincerely

Joshua Caditz
Assistant Regional Counsel

cc: Mr. Jeffrey T. Blake, Esq., Kopelman and Paige

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

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ENVIR. APPEALS BOARD

In the Matter of:)

Leominster Water Pollution)
Control Facility)

NPDES Permit MA0100617)

Appeal No. NPDES 06-16

STATUS REPORT

The United States Environmental Protection Agency, New England Region ("Region"), with consent of counsel for the City of Leominster ("City"), respectfully submits to the Environmental Appeals Board ("Board") this Status Report with respect to the above-captioned matter.

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 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.

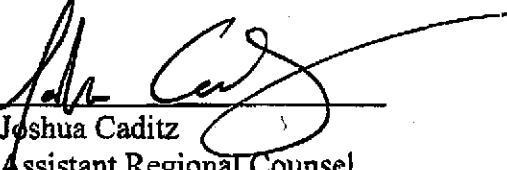
On December 14, 2006, the City and the Region jointly moved to stay the proceedings until April 3, 2007, in order to engage in settlement negotiations. On December 15, 2006, the Board issued an order staying the proceedings until April 3, 2007. Due to continued negotiations over the issues on appeal, the parties subsequently

requested successive extensions of the stay until July 13, 2007. In its Fourth Stay Order, dated June 21, 2007, the Board granted extension of the stay until July 13, 2007, and provided that, in the event of a tentative resolution, counsel for the City would have until July 31, 2007, to obtain any approvals necessary to reach a final settlement. In a Status Report, dated July 31, 2007, the Region requested that the Board allow the parties until August 15, 2007, to report whether the parties have reached a final agreement. In its Fifth Stay Order, dated August 1, 2007, the Board granted the Region's request.

Counsel for the City has reported to the Region that the Leominster City Council has approved the settlement agreement and that counsel for the City intends to submit to the Board a motion to withdraw the petition for review.

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: August 14, 2007

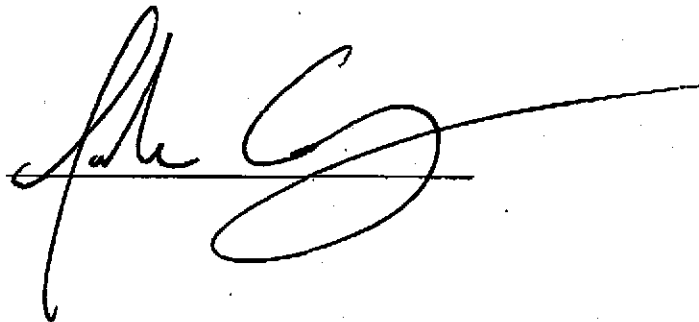
In the Matter of: City of Leominster Water Pollution Control Facility
Appeal No. NPDES 06-16

CERTIFICATE OF SERVICE

I, Joshua Caditz, hereby certify that one original copy of the foregoing Report was mailed by First Class Mail on this 14th day of August, 2007, to the Environmental Appeals Board 1103B, Ariel Rios Building, 1200 Pennsylvania Avenue, N.W., Washington, DC 20460-0001, and that a copy of the foregoing was sent by First Class Mail, postage prepaid, to the following person:

Mr. Jeffrey T. Blake, Esq.
Kopelman and Paige, P.C.
101 Arch Street
Boston, MA 02110

Dated: August 14, 2007

A handwritten signature in black ink, appearing to read 'Joshua Caditz', written over a horizontal line.