



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

U.S. E.P.A.

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VIA FAX AND EXPRESS MAIL

U.S. Environmental Protection Agency
Environmental Appeals Board
Attn: Eureka Durr, Clerk of the Board
Colorado Building
1341 G Street, N.W., Suite 600
Washington, D.C. 20005

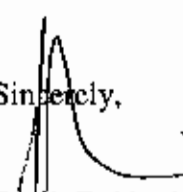
**Re: Status Report and Fourth Motion to Extend Stay of the Proceedings
City of Brockton, Brockton Advanced Water Reclamation Facility
NPDES Appeal No. 05-04
NPDES Permit No. MA0101010**

Dear Ms. Durr:

Enclosed is an original and five (5) copies of a Status Report and Fourth Motion to Extend Stay of the Proceedings in connection with NPDES Appeal No. 05-04.

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:

Timothy A. Watts
Douglas H. Watts
George Olson

U.S. EPA
JUL 11 11 18 37
WASHINGTON, D.C.

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

In the Matter of:)

Brockton Advanced Water)
Reclamation Facility,)
City of Brockton, Massachusetts)

NPDES Appeal No. 05-04

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

The New England Region of the Environmental Protection Agency ("EPA" or "Region") respectfully submits to the Environmental Appeals Board ("Board") this status report and motion to further extend the stay of the proceedings in the above-referenced appeal.

BACKGROUND

On May 11, 2005, EPA reissued a National Pollutant Discharge Elimination System Permit, No. MA0101010, to the City of Brockton ("Permittee") authorizing discharge of treated wastewater effluent from the Brockton Advanced Water Reclamation Facility ("Facility"). On June 9, 2005, Timothy Watts and Douglas Watts ("Petitioners") filed a petition for review by the Board contesting, *inter alia*, the permit's flow, chlorine and phosphorus limits ("Petition"). The Board directed the Region to submit a response by July 25, 2005 that addresses Petitioners' contentions and whether Petitioners have satisfied the requirements for obtaining review.

are nearing completion and that it is expected to be lodged in the federal district court within the next sixty (60) days.

In the interests of judicial economy and to conserve resources, the Region requests that these proceedings be stayed for an additional ninety (90) days in order to allow sufficient time (i) to conclude final discussions over the water quality assessment and disinfection system and (ii) to allow the consent decree to be lodged and entered. Absent a stay, the parties will be required to divert their time and effort from ongoing settlement discussions to proceedings before the Board. The current settlement discussions promise to resolve the pending petition as well as to deliver significant environmental benefits to the impacted waters. As soon as possible, but in no event later than ninety (90) days, the parties will submit a status report to advise the Board whether it is appropriate to continue the stay, dismiss the Petition, or establish a schedule for EPA's response to the Petition.

REQUESTED RELIEF

Accordingly, the Region requests that this matter be stayed for ninety (90) days to allow the parties to resolve the issue through settlement discussions.

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing Status Report and Fourth Motion to Extend Stay of the 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 Warcham Street
Middleboro, Massachusetts 02346
Telephone: (508) 946-6191

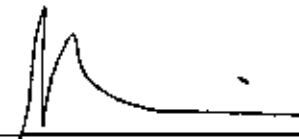
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By Facsimile and Federal Express:

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Washington, D.C. 20005

Dated: JAN 9 4 2006



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