



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

VIA FAX AND VIA 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, D.C. 20460-0001

Re: NPDES Appeal No. 08-22
NPDES Permit No. MA0100153
Lee Wastewater Treatment Facility (Lee, Massachusetts)

March 24, 2009

Dear Ms. Durr,

Enclosed please find the original of the parties' Status Report and Joint Motion to Extend Stay of Proceedings in the above-captioned case, with an attached certificate of service. The motion and the certificate of service have also been mailed to the Board and to counsel of record today. In lieu of five additional paper copies for the Board, an electronic copy has been posted to the CDX system.

Sincerely,

A handwritten signature in blue ink, appearing to read "R. Fein".

Ronald A. Fein, Assistant Regional Counsel
U.S. Environmental Protection Agency Region 1
One Congress Street, Suite 1100 (RAA)
Boston, MA 02114
617-918-1040
Fax: 617-918-0040

cc: Jeremia A. Pollard, Esq.

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

In re: Lee Wastewater Treatment Facility)	
Lee, Massachusetts)	NPDES Appeal No. 08-22
NPDES Permit No. MA0100153)	
)	

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

Region 1 (“Region”) of the United States Environmental Protection Agency (the Respondent) and the Town of Lee, Massachusetts (the permittee and Petitioner) submit this status report and respectfully request that the Environmental Appeals Board (“Board”) extend the stay of proceedings in the above-captioned matter until July 22, 2009, to enable the parties to continue settlement negotiations.

BACKGROUND

The Region reissued NPDES Permit No. MA0100153 (“Permit”) to Petitioner on September 23, 2008. On October 27, 2008, Petitioner filed a petition for review with the Board contesting certain conditions of the Permit. By letter dated November 5, 2008, the Board directed the Region to prepare a response that addresses Petitioner’s contentions and whether Petitioner has satisfied the requirements for obtaining review.

On November 26, 2008, the parties filed a Joint Motion to Stay Proceedings so that the parties could explore the possibility of settlement. On December 10, 2008, the Board issued an order staying the due date for the Region’s response to the Petition until April 22, 2009, and ordering that, if the parties desired a further extension, the parties should file an

appropriate motion requesting an extension and reporting on the progress made. *See In re Lee Wastewater Treatment Facility*, NPDES Appeal No. 08-22 (EAB, Dec. 10, 2008) (Order Granting Stay).

STATUS REPORT

On February 18, 2008, the Region, Petitioner, and the Massachusetts Department of Environmental Protection (which co-issued the Permit with the Region) met in Springfield, Massachusetts, to discuss settlement. Following that meeting, on March 9, 2009, Petitioner submitted a written proposal for settlement to the Region. Based on its review of Petitioner's initial proposal, the Region believes that settlement is likely. Therefore, both parties believe that it will be possible to settle this matter without the need for litigation before the Board.

REQUESTED RELIEF AND GROUNDS FOR SUCH RELIEF

The parties request that the Board further stay the proceedings by approximately three months, and extend the due date for the Region's response to the Petition to July 22, 2009. An extension of this length is reasonable and necessary given the need to develop further technical information to resolve the issues presented, to conduct further discussions regarding matters not yet finally resolved, and to draft and exchange drafts of enforceable legal documents that would embody a settlement agreement.

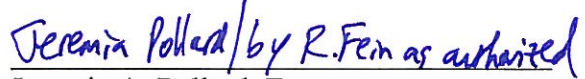
If a stay is not granted, the parties will be forced to divert their time and effort to the proceedings before this Board, when there is a substantial possibility that all or some of the issues raised in the petition for review may be resolved through settlement discussions. Accordingly, in an effort to conserve administrative and judicial resources, and to

encourage efficiency and promote judicial economy, the parties jointly request that the Board grant this motion.

Respectfully submitted,



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Fax: 617-918-0040
Date: March 24, 2009



Jeremia A. Pollard, Esq.
Hannon Lerner
184 Main St, PO Box 697
Lee, Massachusetts 01238
(413) 243-3311
Fax: 413-243-4919

Date: March 24, 2009

CERTIFICATE OF SERVICE

I, Ronald A. Fein, hereby certify that copies of the foregoing Status Report and Joint Motion to Extend Stay of Proceedings were sent on the 24th day of March 2009 to the following persons in the manner described below:

Original by first class mail
Copy by fax
Copy posted to CDX electronic system

Eurika Durr, Clerk of the Board
Environmental Appeals Board (MC 1103B)
U.S. Environmental Protection Agency
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1200 Pennsylvania Avenue, N.W.
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Copy by first class mail

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Signed: March 24, 2009

