

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**

Region 1

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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:** July 13, 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

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ENVIR. APPEALS BOARD

BY FACSIMILE AND BY MAIL

July 13, 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](mailto: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

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

2007 JUL 16 AM 8:43

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.

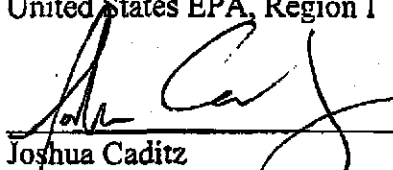
On December 14, 2006, the City and the Region jointly moved to stay the proceedings until April 3, 2007, in order to allow the parties to attempt to resolve the issues on appeal through settlement negotiations. On December 15, 2006, the Board issued an order staying the proceedings in this matter until 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, the Board granted extension of the stay until July 13, 2007, and required the parties on that date to apprise the Board of whether they have arrived at tentative resolution of all outstanding issues. The Board also provided that, in the event of a tentative resolution, counsel for Leominster would have until July 31, 2007, to obtain any approvals necessary to reach a final settlement.

The parties have reached a tentative resolution of the majority of outstanding issues. A single issue, concerning language within the Administrative Order that will implement the settlement agreement, remains unresolved. The parties are currently discussing a proposed resolution and are confident that a final decision can be reached by July 20, 2007. For this reason, the Region requests that the Board allow the parties one additional week (until July 20, 2007) to report whether the parties have resolved all outstanding issues. If a tentative resolution is reached, pursuant to the Board's Fourth Stay Order, counsel for Leominster will pursue any necessary approvals, and report to the Board, by July 31, 2007.

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  
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Caditz.Joshua@epa.gov

Dated: July 13 2007

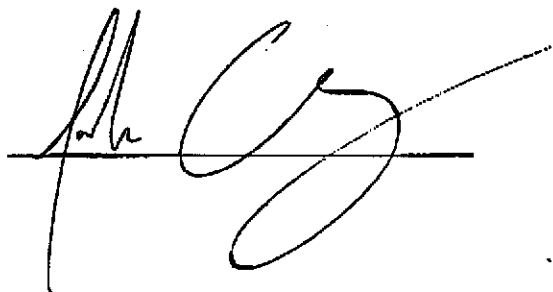
In the Matter of: City of Leominster Water Pollution Control Facility  
Appeal No. NPDES 06-16

CERTIFICATE OF SERVICE

I, Joshua Caditz, hereby certify that one original copy of the foregoing Report was mailed by First Class Mail on this 13th day of July, 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: July 13, 2007

A handwritten signature in black ink, appearing to read 'Joshua Caditz', is written over a horizontal line. The signature is stylized and cursive.