



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**  
**Region 1 – New England**  
**5 Post Office Square, Suite 100**  
**Boston, MA 02109-3912**

**VIA ELECTRONIC FILING**

September 19, 2013

Eurika Durr  
Clerk of the Board  
U.S. Environmental Protection Agency  
Environmental Appeals Board  
1200 Pennsylvania Avenue, NW  
Mail Code 1103M  
Washington, DC 20460-0001

RE: In re Uxbridge Wastewater Treatment Facility  
NPDES Permit No. MA0102440; NPDES Appeal No. 13-06

Dear Ms. Durr:

Please find a Joint Status Report and accompanying Certificate of Service, in connection with NPDES Appeal No. 13-06.

Thank you for your assistance with this matter.

Sincerely,

/s/ Michael Curley  
Michael Curley, Attorney-Adviser  
US EPA – Region 1  
5 Post Office Square - Suite 100  
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Boston, MA 02109-3912  
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**BEFORE THE ENVIRONMENTAL APPEALS BOARD  
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C.**

_____ )	
In the Matter of: )	
)	
Town of Uxbridge )	
Wastewater Treatment Facility )	NPDES Appeal No. 13-06
)	
NPDES Permit No. MA0102440 )	
_____ )	

**JOINT STATUS REPORT**

Region 1 of the United States Environmental Protection Agency (“Region”) and the Town of Uxbridge Sewer Commission (“Uxbridge”) hereby submit this first status report to provide the Environmental Appeals Board (“Board”) with an update of the progress of settlement negotiations in the above-captioned permit appeal. The parties have made progress in their initial settlement discussion, and the Region has requested that Uxbridge develop and submit additional technical information in order to establish a common understanding of the issues involved in this matter and to form the basis for a negotiated resolution of this dispute. The parties have scheduled an additional meeting to continue the negotiations.

**BACKGROUND**

On June 18, 2013, the Region issued National Pollutant Discharge Elimination System Permit No. MA0102440 (“NPDES Permit”) to Uxbridge. On July 19, 2013, Uxbridge filed a Petition for Review (“Petition”) with the Board requesting review of

certain conditions of the NPDES Permit. Because the parties believe, however, that a negotiated resolution of some or all of the issues raised in the Petition is possible, the parties moved for a stay on July 26, 2013, which motion was granted by the Board on July 30, 2013. The Board's Order stayed the proceedings until October 31, 2013 and required the parties to file this status report by September 20, 2013 to inform the Board of the progress of negotiations. As further directed by the Board, the parties will file a second status report by October 18, 2013.

### **STATUS REPORT**

Since the Board's July 30 Order, the parties and representatives from the Massachusetts Department of Environmental Protection ("MassDEP"), which co-issued the NPDES Permit, convened in early September to commence settlement discussions. During this initial meeting, in which the Town's wastewater treatment consultant also participated, the parties and MassDEP discussed important background information, as well as several technical issues raised by the appeal and a possible roadmap for attempting to address them. The parties engaged in a wide-reaching and informative discussion of effluent limits and permit conditions and continue to believe that negotiated resolution of some or all of the issues raised in the appeal may be possible. Among the next steps to advance the negotiations, the parties and MassDEP scheduled a site visit to the permitted facility. Additionally, Uxbridge agreed to develop, and to provide to the Region and MassDEP in advance of the site visit, certain materials to aid in future discussions regarding the time required for Uxbridge to come into compliance with contested permit limits and conditions. Because the development of these materials will require some time and effort on the part of Uxbridge, the parties scheduled the site visit

to occur on October 15, 2013. Following this site visit, the parties will update the Board on the progress of settlement negotiations and advise the Board whether it would be appropriate to continue the stay to allow further settlement discussions, to dismiss the Petition, or to allow the stay to expire. In the interim, the parties remain committed to examining the possibility of developing an appropriate and acceptable negotiated settlement.

Dated: September 19, 2013

Respectfully submitted,

U.S. EPA – Region 1

/s/ Michael Curley  
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Town of Uxbridge Sewer Commission

/s/ Michael Curley for John Shea  
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## CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Joint Status Report, in connection with *In re Town of Uxbridge Wastewater Treatment Facility*, NPDES Appeal No. 13-06, was sent to the following persons in the manner indicated:

By Electronic Filing:

Ms. Eurika Durr  
Clerk of the Board  
U.S. Environmental Protection Agency  
Environmental Appeals Board  
1201 Constitution Avenue, NW  
U.S. EPA East Building, Room 3334  
Washington, DC 20004

By electronic mail, by agreement between the parties:

Mr. John F. Shea, Esq.  
Mackie Shea O'Brien, P.C.  
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Dated: September 19, 2013

/s/ Michael Curley  
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