



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

**VIA ELECTRONIC FILING**

February 20, 2014

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 the Joint Motion to Extend Stay of Proceedings 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  
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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 MOTION TO EXTEND STAY OF PROCEEDINGS**

Region 1 of the United States Environmental Protection Agency (“Region”) and the Town of Uxbridge Sewer Commission (“Uxbridge”) have made significant progress in settling the above-captioned appeal and have resolved a number of the issues in the negotiation. Since the filing of the Sixth Status Report, Uxbridge has provided the Region with comments on the draft Administrative Order on Consent to the Region. The parties have continued to evaluate the need for an extension of the current stay and have determined that a brief extension is required to finalize the remaining issues and ensure appropriate coordination of the proposed settlement with the Massachusetts Department of Environmental Protection (“MassDEP”). Accordingly, the Region and Uxbridge jointly request a brief extension of the stay in the above-captioned matter until March 28, 2014.

**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. The Board granted the parties’ joint motion for a stay on July 30, 2013 and the parties’ subsequent joint motions to extend the stay. The Board’s December 30, 2013 Order stayed the proceedings until February 28, 2014 and required that any request to extend the stay be filed by February 21, 2014.

### **RELIEF REQUESTED AND GROUNDS FOR RELIEF**

Since the filing of the parties’ last status report, Uxbridge has provided the Region with its comments on the draft Administrative Order on Consent to the Region. The Town’s comments are limited in number and scope, and EPA staff are currently reviewing them to determine how best to resolve them. Some of the issues will require brief continued negotiations between the parties and may also involve further consultation with MassDEP, but the parties are optimistic that lengthy discussions will not be necessary. EPA will submit a revised Administrative Order on Consent to Uxbridge based on the comments received from the Town no later than March 10, 2014. The parties will confer in person that week to come to final resolution on the outstanding issues and will summarize the status of the proceedings for the Board in weekly status reports to be filed thereafter, beginning March 14, 2014.

Furthermore, and as noted previously, Region 1 counsel assigned to this matter will be unavailable until March 3, 2014, a factor that may introduce an additional brief delay into the resolution of the settlement.<sup>1</sup> In order to provide the parties with the time necessary to reach agreement on the limited number of issues remaining in an appropriate manner, the parties respectfully request a brief extension of the stay until March 28, 2014. Moreover, such an extension would allow the parties to direct their resources

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<sup>1</sup> Counsel will be sitting for the Massachusetts Bar Examination on February 26 and 27, 2014.

towards settling the matter rather than transitioning to briefing issues for Board review that the parties anticipate would ultimately prove unnecessary.

### CONCLUSION

In light of the foregoing, the Region and Uxbridge jointly request that the Board (1) extend the stay of these proceedings until March 28, 2014, (2) require the parties to file weekly joint status reports on the settlement negotiations beginning March 14, 2014, and (3) extend the due date for the Region's Response to the Petition and the filing of an index to the administrative record until April 28, 2014.

Dated: February 20, 2014

Respectfully submitted,

U.S. EPA – Region 1

Town of Uxbridge Sewer Commission

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## CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Joint Motion to Extend Stay of Proceedings, 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:

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Mackie Shea O'Brien, P.C.  
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Dated: February 20, 2014

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