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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: December 14, 2006

Number of pages including cover: 4

Return Fax: 617-918-1787

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

December 14, 2006

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

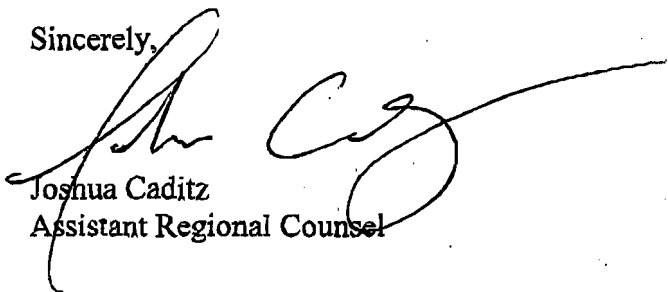
Re: City of Leominster Water Pollution Control Facility
Appeal No. NPDES 06-16

Dear Ms. Durr:

Please accept a facsimile of the following Joint Motion for Stay of the Proceedings in 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 617-918-1029 or by electronic mail at 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

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

In the Matter of:)
)
Leominster Water Pollution)
Control Facility)
)
NPDES Permit MA0100617)
_____)

Appeal No. NPDES 06-16

JOINT MOTION FOR STAY OF THE PROCEEDINGS

The New England Regional Office of the U.S. Environmental Protection Agency (“Region”) and the City of Leominster (“City”), respectfully submit to the Environmental Appeals Board (“Board”) this Joint Motion for Stay of the Proceedings in the above-referenced appeal until April 3, 2007.

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.

The parties believe that resolution of some or all of the issues in this appeal is possible and have agreed to enter into settlement discussions. A settlement of some or all

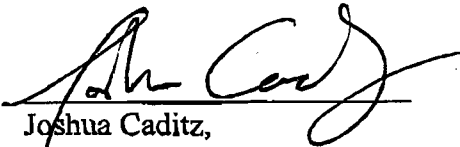
of the issues in this appeal will simplify or resolve the issues before the Board and thus conserve the Board's resources.

For the foregoing reasons, the Region and the City request a stay of the proceedings before the Board in this case until April 3, 2007. On or as soon as possible before that date, the Parties will submit a status report to advise the Board of the status of settlement discussions and whether it is appropriate to continue the stay, dismiss the petition, or establish a schedule for the Region's response to the petition.

The City has informed the Region of its assent to this motion.

Respectfully submitted,

United States EPA, Region I



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Dated: December 14, 2006