



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)

June 9, 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.

Dec. 10, 2008) (Order Granting Stay). On March 24, 2009, the parties filed a Status Report and Joint Motion to Extend Stay of Proceedings, reporting the progress in settlement discussions and requesting a further extension of the stay to July 22, 2009. On March 31, 2009, the Board granted the parties' request and extended the stay of proceedings to July 22, 2009, and ordering that any motion for a further extension "should be made in sufficient time to afford the Region an opportunity to prepare and file its response before the July 22, 2009 due date, in the event that the Board denies a further extension of the stay." *See In re Lee Wastewater Treatment Facility*, NPDES Appeal No. 08-22 (EAB, Mar. 31, 2009) (Order Granting Second Motion for a Stay).

STATUS REPORT

The parties have discussed a compliance schedule, and believe that all the issues presented in the petition for review can be resolved through an agreed-upon administrative compliance order. On May 20, 2009, the Region transmitted to Petitioner a draft administrative compliance order ("Draft Order") for Petitioner's review and comment. At present, Petitioner—which is a town organized under Massachusetts law and must make certain decisions, including whether to agree to a proposed administrative enforcement action, through a vote of its Board of Selectmen—is still reviewing the Draft Order.

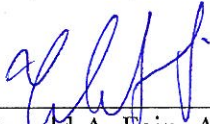
REQUESTED RELIEF AND GROUNDS FOR SUCH RELIEF

The parties request that the Board further stay the proceedings by approximately two months, and extend the due date for the Region's response to the petition to September 23, 2009. During this time, the parties expect to complete negotiations on the terms of an administrative compliance order. An extension of this length is reasonable and necessary to negotiate the final terms of an administrative compliance order.

An agreed-upon administrative compliance order would resolve all issues presented in the petition for review, and, upon concluding such an agreement, Petitioner would voluntarily withdraw its petition. Therefore, both parties believe that they can settle this matter without the need for litigation before the Board.

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 likelihood that all of the issues raised in the petition for review may be resolved through settlement. 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,



Ronald A. Fein, Assistant Regional Counsel
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617-918-1040
Fax: 617-918-0040
Date: June 9, 2009



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

Date: June 9, 2009

CERTIFICATE OF SERVICE

I, Ronald A. Fern, hereby certify that copies of the foregoing Status Report and Joint Motion to Extend Stay of Proceedings were sent on the 9th day of June 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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Copy by first class mail

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Signed: June 9, 2009