



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
 REGION 1
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ENVIR. APPEALS BOARD

OFFICE OF THE
 REGIONAL ADMINISTRATOR

July 18, 2005

VIA ELECTRONIC AND EXPRESS MAIL

U.S. Environmental Protection Agency
 Clerk of the Board, Environmental Appeals Board
 Colorado Building
 1341 G Street, N.W., Suite 600
 Washington, D.C. 20005

Re: Joint Motion for Stay of the Proceedings
 City of Brockton, Brockton Advanced Water Reclamation Facility
 NPDES Appeal No. 05-04
 NPDES Permit No. MA0101010

Dear Ms. Durr:

Enclosed is a Joint Motion for Stay of the Proceedings in connection with NPDES Appeal No. 05-04. Please file this motion in your usual manner.

If you should have any questions, please do not hesitate to contact me at 617-918-1095.

Sincerely,

Samir Bukhari
 Attorney Advisor
 Office of Regional Counsel
 US EPA-Region 1

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

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ENVIR. APPEALS BOARD

In the Matter of:)

Brockton Advanced Water)
Reclamation Facility,)
City of Brockton, Massachusetts)
_____)

NPDES Appeal No. 05-04

JOINT MOTION FOR STAY OF THE PROCEEDINGS

In accordance with 40 C.F.R. §§ 22.7 and 22.16, the New England Region of the Environmental Protection Agency ("EPA" or the "Region") and Timothy A. Watts and Douglas A. Watts ("Petitioners") (collectively, the "Parties") respectfully submit to the Environmental Appeals Board ("Board") this joint motion for a stay of the proceedings in the above-referenced appeal.

BACKGROUND

On May 11, 2005, EPA reissued a National Pollutant Discharge Elimination System Permit, No. MA0101010, to the City of Brockton authorizing discharge of treated wastewater effluent from the Brockton Advanced Water Reclamation Facility. On June 9, 2005, Petitioners filed a petition for review by the Board contesting, *inter alia*, the permit's flow, chlorine and phosphorus limits ("Petition"). The Board directed the Region to submit a response by July 25, 2005 that addresses Petitioners' contentions and whether Petitioners have satisfied the requirements for obtaining review.

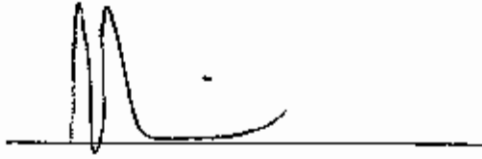
GROUND FOR STAY

The Parties believe that resolution of the issues raised in the Petition is possible and have agreed to enter into settlement discussions. The basis for this motion is to allow the Parties sufficient time to conclude such discussions. Having initiated preliminary negotiations, the Parties believe there is substantial likelihood that the issues raised in the Petition will be addressed to the satisfaction of Petitioners and that the Petition will be withdrawn in its entirety. Absent a stay, the Parties will be required to divert their time and effort from settlement discussions to the proceeding before this Board. Therefore, in an effort to conserve resources and to encourage efficiency and promote judicial economy, the Parties jointly request that these proceedings be stayed until September 19, 2005. On, or as soon as possible before that date, the Parties would submit a status report regarding whether it is appropriate to continue the stay, dismiss the Petition, or establish a schedule for EPA's response to the Petition.

REQUESTED RELIEF

Accordingly, the Parties request that this matter be stayed to allow the Parties to resolve the issue through settlement discussions.

Respectfully submitted,

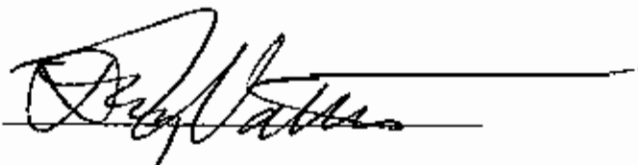


U.S. Environmental Protection Agency,
New England Region

By its Attorney,
Samir Bukhari
Attorney Advisor
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Fax 617-918-0095
bukhari.samir@epa.gov

Dated: July 18, 2005



Douglas H. Watts
38 Northern Avenue
Augusta, Maine 04330

Dated: July __, 2005



Timothy A. Watts

633 Wareham Street
Middleboro, Massachusetts 02346
(508) 946-6191

Dated: July __, 2005