



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION I  
ONE CONGRESS STREET SUITE 1100  
BOSTON, MASSACHUSETTS 02114-2023

March 8, 2007

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: Town of North Attleborough Wastewater Treatment Plant  
NPDES Appeals No. 07-02 and 07-04

Dear Ms. Durr:

Enclosed please find the original of the Respondent's Motion for a Stay of the Proceedings with respect to the above referenced NPDES permit appeals. The motion and certificate of service have also been mailed to counsel of record today. In lieu of five additional paper copies for the Board, electronic copies of each document have been posted to the CDX system.

Thank you for your attention to this matter.

Sincerely,

A handwritten signature in blue ink that reads "Ann H. Williams".

Ann H. Williams, Senior Assistant Regional Counsel  
U.S. Environmental Protection Agency, Region 1 (RAA)  
One Congress St. - Suite 1100  
Boston, MA 02114-2023  
Phone: (617) 918-1097  
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Enclosure

cc: Jeffrey T. Blake, Esq.  
Kopelman and Paige, P.C.  
101 Arch Street  
12<sup>th</sup> Floor  
Boston, MA 02110-1109

Susan B. Wilson, Esq.  
Rhode Island Department of Environmental Management  
Office of Legal Services  
235 Promenade Street, 4<sup>th</sup> Floor  
Providence, RI 02908-5767

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

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In the Matter of:	)	
	)	
Town of North Attleborough	)	NPDES Appeal No. 07-02
Wastewater Treatment Facility	)	NPDES Appeal No. 07-04
	)	
NPDES Permit No. MA0101036	)	
	)	

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**MOTION TO STAY THE PROCEEDINGS**

Region 1 of the Environmental Protection Agency (“EPA” or the “Region”), Respondent, respectfully submits to the Environmental Appeals Board (“Board”) this motion to stay the proceedings related to the petitions for review filed by the Town of North Attleborough, Massachusetts (“Town”) and the Rhode Island Department of Environmental Management (“DEM”) in the above-referenced appeals. The basis for this motion is to allow the parties to engage in settlement discussions to narrow or resolve the issues raised on appeal, as discussed below. Counsel for the Town and DEM have assented to this motion.

On January 4, 2007, EPA reissued a National Pollutant Discharge Elimination System (“NPDES”) Permit, No. MA0101036 (the “Permit”), to the Town authorizing wastewater discharges into the Ten Mile River. On February 5, 2007, DEM filed a petition for review with the Board, contesting the Permit’s limitations on phosphorus and metals. On February 8, 2007, the Town filed a petition for review with the Board, contesting the Permit’s limitations on nitrogen, phosphorus, copper, and aluminum. The Board directed the Region to submit its responses to the petitions by March 26, 2007.

Page 2 of 2

The parties intend to enter into settlement negotiations and believe there is a substantial likelihood of resolution of some or all of the issues in the appeals. Settlement of some or all of the issues will simplify or resolve the issues before the Board and thus conserve the Board's resources. Therefore, the Region, with the consent of the Town and DEM, requests a ninety (90) day stay of the proceedings before the Board in this case, until June 24, 2007. On or as soon as possible before that date, the parties will submit a status report to advise the Board whether it is appropriate to continue the stay, dismiss the petitions, or establish a schedule for EPA's responses to the petitions.

Respectfully submitted,

United States EPA/Region I



Ann H. Williams, Esq.  
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Phone: (617) 918-1097

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Dated: March 8, 2005

In the Matter of:  
Town of North Attleborough Wastewater treatment Facility  
NPDES Appeals No. 07-02 and 07-04

CERTIFICATE OF SERVICE

I, Sally Burt, hereby certify that copies of the foregoing Respondent's Motion to Stay the proceedings were sent on this 8<sup>th</sup> day of March 2007 to the following persons in the manner described below:

Original by first class mail  
Copy posted to CDX electronic system


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

Copy by first class mail, postage prepaid

Jeffrey T. Blake, Esq.  
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Susan B. Wilson, Esq.  
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Management  
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235 Promenade Street, 4<sup>th</sup> Floor  
Providence, RI 02908-5767

Dated: March 8<sup>th</sup>, 2007

  
Sally Burt, Administrative Assistant  
Office of Regional Counsel  
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