

**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	)	
_____	)	

**THIRD JOINT STATUS REPORT**

Region 1 of the United States Environmental Protection Agency (“Region”) and the Town of Uxbridge Sewer Commission (“Uxbridge”) hereby provide the Environmental Appeals Board (“Board”) with an update of the progress of settlement negotiations in the above-captioned matter. Although the shutdown of the federal government unavoidably delayed negotiations, the parties have nonetheless made significant progress towards a settlement. During a site visit to the Town’s wastewater treatment facility in early November, the parties agreed on a framework to resolve the appeal. Consequently, the Region has begun drafting an administrative order, which the parties expect will make possible the dismissal of this matter.

**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' joint motion requesting an extension of the stay on October 29, 2013. The latter order stayed the proceedings until December 31, 2013 and required the parties to file this Third Joint Status Report by November 27, 2013 to inform the Board of the progress of negotiations.

### **STATUS REPORT**

As reported in the previous Status Report, the shutdown of the federal government resulted in the cancellation of a site visit to the permitted facility that had been scheduled for October 15, 2013. Following the Board's October 29, 2013 Second Order Staying Proceedings, however, the parties and representatives of the Massachusetts Department of Environmental Protection convened at the permitted facility on November 5, 2013 to review additional monitoring data collected by Uxbridge, to tour the wastewater treatment facility, and to continue negotiations. During those discussions, the three entities reached conceptual agreement on the basic framework for an arrangement which they believe would resolve the permit appeal. Conceptually, resolution would ultimately involve withdrawal of the appeal by Uxbridge and the issuance of a consented-to administrative order by the Region containing, among other things, interim limits and a schedule of steps for coming into compliance with certain permit terms. Although important work remains and continued, careful discussion will be necessary to agree on certain details, the Region has begun drafting a consented-to administrative order. The Region intends to share a draft with the Town as swiftly as possible, following appropriate internal review. The parties are hopeful that additional settlement meetings will not be necessary and that negotiations can occur through the exchange of subsequent

iterations of the consented-to order. The parties will continue to work towards prompt finalization of the draft order and the withdrawal of the permit appeal.

Dated: November 26, 2013

Respectfully submitted,

U.S. EPA – Region 1

Town of Uxbridge Sewer Commission

/s/ Michael Curley  
Michael Curley, Esq.  
Office of Regional Counsel  
5 Post Office Square, Suite 100  
Mailcode: ORA18-1  
Boston, MA 02109-3912  
Tel: (617) 918-1623  
Fax: (617) 918-0623  
E-mail: curley.michael@epa.gov

/s/ Michael Curley for John F. Shea  
John F. Shea, Esq.  
Mackie Shea O'Brien, P.C.  
420 Boylston Street, 5<sup>th</sup> Floor  
Boston, MA 02116  
Tel: (617) 266-5700  
Fax: (617) 266-5237  
E-mail: jfs@lawmso.com

