



RECEIVED  
U.S. E.P.A.

2006 OCT -3 AM 11:33

ENVIR. APPEALS BOARD

Date: October 3, 2006

**U.S. Environmental Protection Agency  
Office of Regional Counsel  
One Congress Street, Suite 1100  
Boston, MA 02114-2023  
Phone: (617) 918-1148  
Fax: (617) 918-1029**

**PLEASE DELIVER TO:**

**Eurika Durr  
Clerk, EPA Environmental Appeals Board  
(202) 233-0121**

**From: Samir Bukhari  
Attorney, Office of Regional Counsel  
EPA, Region 1**

**Number of Pages to Follow: 1**

---

**Re: City of Brockton, Brockton Advanced Water Reclamation Facility  
NPDES Appeal No. 05-04  
NPDES Permit No. MA0101010**

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**REGION 1  
1 CONGRESS STREET, SUITE 1100  
BOSTON, MASSACHUSETTS 02114-2023**RECEIVED  
U.S. E.P.A.**

October 3, 2006

2006 OCT 3 AM 11:33

ENVIR. APPEALS BOARD

**VIA FACSIMILE AND FIRST CLASS MAIL**U.S. Environmental Protection Agency  
Environmental Appeals Board (MC1103B)  
Attn: Eurika Durr, Clerk of the Board  
Ariel Rios Building  
1200 Pennsylvania Avenue, NW  
Washington, DC 20460-0001**Re: Joint Motion to Dismiss NPDES Appeal No. 05-04  
City of Brockton, Brockton Advanced Water Reclamation Facility  
NPDES Permit No. MA0101010**

Dear Ms. Durr:

Due to a miscommunication between the Department of Justice and EPA-New England Region, the Office of Regional Counsel prematurely filed the above-referenced motion to dismiss, which was faxed to the EAB on September 26, 2006. As explained in the motion, the entry of a consent decree to resolve an ongoing enforcement action against the City of Brockton, Massachusetts was the precondition to dismissal of the pending appeal. Upon being informed that the consent decree had not in fact been entered (although entry was imminent), the Region requested that the EAB briefly delay ruling on the motion until further notice. Timothy Watts, the petitioner in this matter, agreed to this suggested course of action. Both the Department of Justice and the Region's enforcement counsel have now confirmed that the consent decree was entered on September 29, 2006. The Region, therefore, respectfully requests the EAB to proceed with ruling on the joint motion to dismiss.

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

cc:

Timothy A. Watts

Toll Free • 1-888-372-7341

Internet Address (URL) • <http://www.epa.gov/region1>

Recycled/Recyclable • Printed with Vegetable Oil Based Inks on Recycled Paper (Minimum 30% Postconsumer)