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Date: SEP 26 2005

**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: 4

**Re: Joint Motion to Dismiss
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

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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

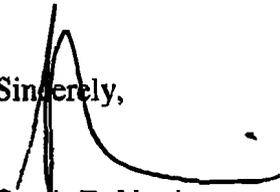
**Re: Joint Motion to Dismiss NPDES Appeal No. 05-04
City of Brockton, Brockton Advanced Water Reclamation Facility
NPDES Permit No. MA0101010**

Dear Ms. Durr:

Enclosed is an original and five (5) copies of a Joint Motion to Dismiss in connection with the above-referenced NPDES appeal.

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

Enclosures

cc:

Timothy A. Watts
Douglas H. Watts
George Olson

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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
NPDES Permit No. MA0101010

JOINT MOTION TO DISMISS

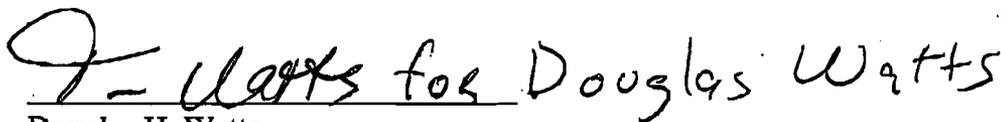
As described in the Region's Status Report and Sixth Motion to Extend Stay of the Proceedings (August 11, 2006), the Environmental Protection Agency-New England Region ("Region"), the City of Brockton and Timothy and Douglas Watts ("Petitioners") successfully concluded settlement discussions to resolve the above-captioned matter. The terms of the settlement are reflected in a consent decree to resolve a separate enforcement proceeding against Brockton. The Environmental Appeals Board stayed the pending permit appeal proceedings until November 17, 2006 to allow sufficient time for entry of the consent decree. See Order Granting Sixth Motion for Stay of the Proceedings (August 14, 2006). The consent decree was entered in federal court on September 25, 2006. The Region and Petitioners now jointly move to dismiss NPDES Appeal No. 05-04 in its entirety and with prejudice.

Respectfully submitted,



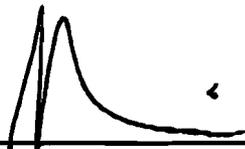
Timothy A. Watts

Dated: 9/26/06



Douglas H. Watts

Dated: 9/26/06



U.S. Environmental Protection Agency,
New England Region

By its Attorney,
Samir Bukhari
Attorney Advisor
U.S. Environmental Protection Agency
One Congress Street, Suite 1100 (RAA)
Boston, MA 02114-2023

617-918-1095
Fax 617-918-0095
bukhari.samir@epa.gov

Dated: SEP 26 2006

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing Joint Motion to Dismiss in the matter of Brockton Advanced Water Reclamation Facility, NPDES Appeal No. 05-04, were sent to the following persons in the manner indicated:

By First Class U.S. Mail:

Timothy A. Watts
633 Wareham Street
Middleboro, Massachusetts 02346
Telephone: (508) 946-6191

Douglas H. Watts
38 Northern Avenue
Augusta, Maine 04330
Telephone: (207) 626-8178

George E. Olson, Esq.
Edwards Angell Palmer and Dodge, LLP
111 Huntington Avenue
Boston, MA 02199-7613
Telephone: (617) 239-0100

By Facsimile and First Class U.S. 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

Dated: SEP 26 2006



Samir Bukhari, Attorney
EPA - Region 1
Office of Regional Counsel