



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Region 1
1 Congress Street, Suite 1100
BOSTON, MA 02114-2023

RECEIVED
U.S. E.P.A.

2007 FEB 20 PM 1:45

ENVIR. APPEALS BOARD.

FACSIMILE TRANSMISSION

RESTRICTED INFORMATION

The information contained in this facsimile message, and any and all accompanying documents constitutes confidential information. This information is the property of the United States Environmental Protection Agency. If you are not the intended recipient of this information, any disclosure, copying, distribution, or the taking of any action in reliance on this information is strictly prohibited. If you receive this message in error, please notify me immediately to make arrangements for its return. Thank you.

From: Ann Williams, Office of Regional Counsel

Ph: 617-918-1097

Fax: 617-918-1025

Date: February 20, 2007

Number of pages including cover:

To: Eurika Durr, Clerk of the Board, EPA Environmental Appeals Board

Fax: 202-233-0121

Ph: 202-233-0122

To: Samantha Woods, Exec. Dir., North & South Rivers Watershed Assn

Fax: 781-659-7915

Ph: 781-659-8168

To: Gary Thomas, Kethro & Thomas, PC

Fax: 781-826-3173

Ph: 781-826-4450

Message: Enclosed please find the parties' Status Report and Motion for a Further Stay of the Proceedings in the matter of Town of Rockland Wastewater Treatment Plant, NPDES Appeal No. 06-06, with accompanying Certificate of Service and Transmittal Letter.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION I
ONE CONGRESS STREET SUITE 1100
BOSTON, MASSACHUSETTS 02114-2023

RECEIVED
U.S. E.P.A.

2007 FEB 20 PM 1:45

ENVIR. APPEALS BOARD

February 20, 2007

Eurika Durr, Clerk of the Board
Environmental Appeals Board 1103B
U.S. Environmental Protection Agency
Ariel Rios Building
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460-0001

Re: Town of Rockland Wastewater Treatment Plant
NPDES Appeal Number 06-06

Dear Ms. Durr:

Enclosed please find one original and five copies of the parties' Status Report and Motion for a Further Stay of the Proceedings with respect to the above referenced NPDES permit appeal.

Thank you for your attention to this matter.

Sincerely,

Ann H. Williams
Senior Assistant Regional Counsel

Enclosures

cc: Samantha Woods, Executive Director, NSRWA
Gary Thomas, Esq.

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

RECEIVED
U.S. E.P.A.

2007 FEB 20 PM 1:45

ENVIR. APPEALS BOARD

In the Matter of:)
)
)
Town of Rockland Wastewater)
Treatment Plant)
)
NPDES Permit No: MA0101923)
_____)

NPDES Appeal No. 06-06

STATUS REPORT AND MOTION FOR A FURTHER STAY OF THE PROCEEDINGS

Region I of the Environmental Protection Agency ("Region"), Respondent, and the North & South Rivers Watershed Association, Inc., Petitioner, respectfully submit to the Environmental Appeals Board ("Board") this Status Report and Motion for a Further Stay of the Proceedings. The parties request that the proceedings be stayed until April 1, 2007 for the reason discussed below.

On January 26, 2006, EPA reissued a National Pollutant Discharge Elimination System ("NPDES") Permit, No. MA0101923, to the Town of Rockland, Massachusetts ("Town") authorizing wastewater discharges from the Rockland Wastewater Treatment Plant into the French Stream and establishing effluent limitations, monitoring requirements, and other conditions for such discharges. On March 1, 2006, the Petitioner filed a petition for review by the Board contesting the permit's compliance schedule, effluent limitations for nutrients, and infiltration/inflow control plan. The Board directed the Region to submit a response by April 21, 2006 that addressed the Petitioner's contentions and whether the Petitioner had satisfied the requirements for obtaining review.

On April 10, 2006, June 27, 2006, and October 24, 2006, the Board granted the parties stays of the proceedings until June 20, 2006, October 20, 2006, and February 20, 2007,

respectively, to enable the parties to continue negotiations to reach a settlement of the issues raised in the petition for review. The parties reached an agreement on the terms of a settlement that involved issuance of a permit modification that would, among other things, revise the compliance schedule for meeting the permit's phosphorus and ammonia limitations. On December 26, 2006, consistent with the settlement, the Region issued a draft permit modification and sought public comment on the modification.

During the public comment period, the Town submitted comments which objected to the revised compliance schedule despite the Town's previously having indicated to the Region that the schedule was acceptable. The Region considered the Town's comments but concluded, for reasons described in the response to comments, that the modified compliance schedule is reasonable and should be retained. Therefore, the Region decided to issue a final permit modification that was identical to the draft permit modification. The modification was issued on February 15, 2007 and will take effect on April 1, 2007 unless it is appealed by the Town within thirty days of its receipt of the modification.¹ The deadline for appeal will likely occur approximately one week before the effective date of the modification.

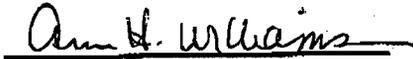
The Petitioner requests an additional stay of the proceedings until April 1, 2007 to determine whether the final permit modification will take effect as anticipated before final disposition of its petition for review. The Region is agreeable to an additional stay for this purpose. On or before that date, the parties will report to the Board their recommendation as to the disposition of the petition.

Respectfully submitted,

¹ The standard practice of the Region is to send permit decisions to permittees by certified mail, return receipt requested, and to inform them that any petition for review must be filed within thirty days of receipt.

United States EPA/Region I

North & South Rivers Watershed
Association



Ann H. Williams, Esq.
Senior Assistant Regional Counsel
US EPA Region 1 (RAA)
One Congress St. - Suite 1100
Boston, MA 02114-2023
Phone: (617) 918-1148
Fax: (617) 918-0148



Gary Thomas, Esq.
Kethro & Thomas, P.C.
1165 Washington St.
Hanover, MA 02339

Phone: (781) 826-4450
Fax: (781) 826-3173

Dated: February 20, 2007

Dated: February 16, 2007



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

In re: Town of Rockland Wastewater Treatment Plant
NPDES Appeal Number 06-06

CERTIFICATE OF SERVICE

I hereby certify that I served the parties' Status Report and Motion for a Further Stay of the Proceedings in the above-captioned matter by facsimile and by mailing one original and five copies by First Class Mail on this ___ day of February, 2007 to the Environmental Appeals Board (MC 1103B), Ariel Rios Building, 1200 Pennsylvania Avenue, N.W., Washington, D.C. 20460-0001; and that a true copy of the foregoing was sent by facsimile and by First Class Mail, postage prepaid, to the following persons:

Samantha Woods, Executive Director
North & South Rivers Watershed Association
P.O. Box 43
Norwell, MA 02061

Gary Thomas, Esq.
Kethro & Thomas, P.C.
1165 Washington Street
Hanover, MA 02339

Date: February 20, 2007

Sally Burt

Sally Burt, Administrative Assistant
Office of Regional Counsel
US EPA Region 1 (RAA)
One Congress St. - Suite 1100
Boston, MA 02114-2023
Phone: (617) 918-1090
Fax: (617) 918-1025