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ENVIR. APPEALS BOARD

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To: Eurika Durr, Clerk of the Board
Fax: (202) 233-0121
From: Joshua Caditz, Assistant Regional Counsel
US EPA Region 1
Date: February 27, 2007

Number of pages including cover: 4

Return Fax: 617-918-0787

Message:



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION I

ONE CONGRESS STREET SUITE 1100
BOSTON, MASSACHUSETTS 02114-2023

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ENVIR. APPEALS BOARD

BY FACSIMILE AND BY MAIL

February 27, 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: City of Leominster Water Pollution Control Facility
Appeal No. NPDES 06-16

Dear Ms. Durr:

Please accept a facsimile of the following Status Report and Motion to Extend Stay of the Proceedings in the above-captioned matter. I am also mailing you an original and submitting an electronic copy.

Please contact me at 617-918-1787, or by fax at 617-918-0787 or by electronic mail at Caditz.Joshua@epa.gov, if you need to discuss this filing.

Sincerely,

Joshua Caditz
Assistant Regional Counsel

cc: Mr. Jeffrey T. Blake, Esq., Kopelman and Paige

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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:)
)
Leominster Water Pollution)
Control Facility)
)
NPDES Permit MA0100617)
_____)

Appeal No. NPDES 06-16

Status Report on Settlement Discussions and Motion to Extend Stay of Proceedings

The United States Environmental Protection Agency, New England Region ("Region") respectfully submits this status report and, with the consent of counsel for the City of Leominster ("City"), moves to extend the stay of proceedings by an additional thirty (30) days, until May 3, 2007.

On September 28, 2006, the Region reissued NPDES Permit, No. MA0100617 ("Permit"), to the City authorizing discharges from the Leominster Water Pollution Control Facility into the North Nashua River and establishing effluent limitations, monitoring requirements, and other conditions for such discharges. On November 3, 2006, the City filed a petition for review by the Environmental Appeals Board ("Board") contesting the Permit's phosphorus limit of 0.2 mg/l from April 1 – October 31, and the phosphorus limit of 1.0 mg/l from November 1 – March 31. The Board received the petition on November 3, 2006, and directed the Region to respond to the petition no later than January 3, 2007. On December 14, 2006, the City and the Region jointly moved to stay the proceedings until April 3, 2007, in order to allow the parties to try to resolve the issues on appeal through settlement negotiations.

On December 15, 2006, the Board issued an order staying the proceedings in this matter until April 3, 2007, and directing the parties to submit a status report to the Board by February 28, 2007.

The parties have agreed to resolve the appeal through an administrative order and compliance schedule and are currently discussing the terms of the schedule.

Accordingly, the Region requests that the Board extend the stay of proceedings until May 3, 2007, to allow the parties sufficient time to develop a mutually acceptable compliance schedule. On or before that date, the parties will file a status report with the Board indicating whether: the City is withdrawing its petition and the Region is issuing an administrative order; additional time is needed to complete the order; or a briefing schedule should be established.

Respectfully submitted,

United States EPA, Region I



Joshua Caditz
Assistant Regional Counsel
US EPA Region 1 (RAA)
One Congress St. - Suite 1100
Boston, MA 02114-2023
Phone: (617) 918-1787
Fax: (617) 918-0787
Caditz.Joshua@epa.gov

Dated: February 27, 2007

In the Matter of: City of Leominster Water Pollution Control Facility
Appeal No. NPDES 06-16

CERTIFICATE OF SERVICE

I, Joshua Caditz, hereby certify that one original copy of the foregoing Status Report and Motion was mailed by First Class Mail on this 27th day of February, 2007 to the Environmental Appeals Board 1103B, Ariel Rios Building, 1200 Pennsylvania Avenue, N.W., Washington, DC 20460-0001, and that a copy of the foregoing was sent by First Class Mail, postage prepaid, to the following person:

Mr. Jeffrey T. Blake, Esq.
Kopelman and Paige, P.C.
101 Arch Street
Boston, MA 02110

Dated: 2/27/07



A handwritten signature in black ink, appearing to read 'J. Caditz', is written over a horizontal line.