



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
Region 1 – New England
5 Post Office Square, Suite 100
Boston, MA 02109-3912

VIA ELECTRONIC FILING

January 31, 2014

Eurika Durr
Clerk of the Board
U.S. Environmental Protection Agency
Environmental Appeals Board
1200 Pennsylvania Avenue, NW
Mail Code 1103M
Washington, DC 20460-0001

RE: In re Uxbridge Wastewater Treatment Facility
NPDES Permit No. MA0102440; NPDES Appeal No. 13-06

Dear Ms. Durr:

Please find the Fifth Joint Status Report and accompanying Certificate of Service, in connection with NPDES Appeal No. 13-06.

Thank you for your assistance with this matter.

Sincerely,

/s/ Michael Curley
Michael Curley, Attorney-Adviser
US EPA – Region 1
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**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)	
)	

FIFTH 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 negotiations in the above-captioned matter. The parties have been working diligently and have made substantial progress toward settling the appeal. The Region completed its review of past performance data, calculated interim limits, and provided Uxbridge with a draft Administrative Order on Consent incorporating those limits. Uxbridge is currently reviewing the draft order.

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’ subsequent joint motions to extend the stay. The

Board's December 30, 2013 Order stayed the proceedings until February 28, 2014 and, *inter alia*, required the parties to file a Status Report by January 31, 2014.

STATUS REPORT

Since the filing of the parties' Fourth Joint Status Report, the parties have made important progress toward a settlement. In particular, EPA staff analyzed the facility's past performance data for select pollutants and calculated interim limits for those pollutants. The Region has now provided Uxbridge with a draft Administrative Order on Consent incorporating these interim limits and a schedule of steps for Uxbridge to achieve full compliance with the NPDES Permit. Once Uxbridge has had an appropriate opportunity to complete its review of the draft order, it will provide its comments to the Region. The parties anticipate additional dialogue regarding the draft order, to be determined, in part, on the nature and extent of the Town's comments. To that end, the parties will continue the regular communication that has occurred to date and remain committed to working towards prompt finalization of the draft order and the withdrawal of the permit appeal.

Dated: January 31, 2014

Respectfully submitted,

U.S. EPA – Region 1

/s/ Michael Curley
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Town of Uxbridge Sewer Commission

/s/ Michael Curley for John F. Shea
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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Fifth Joint Status Report, in connection with *In re Town of Uxbridge Wastewater Treatment Facility*, NPDES Appeal No. 13-06, was sent to the following persons in the manner indicated:

By Electronic Filing:

Ms. Eurika Durr
Clerk of the Board
U.S. Environmental Protection Agency
Environmental Appeals Board
1201 Constitution Avenue, NW
U.S. EPA East Building, Room 3334
Washington, DC 20004

By electronic mail, by agreement between the parties:

Mr. John F. Shea, Esq.
Mackie Shea O'Brien, P.C.
420 Boylston Street, 5th Floor
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Dated: January 31, 2014

/s/ Michael Curley
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