



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

**Region 1 – New England
5 Post Office Square, Suite 100
Boston, MA 02109-3912**

VIA ELECTRONIC FILING

February 14, 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 Sixth 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)	
_____)	

SIXTH 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 parties are optimistic that resolution of the remaining issues and the withdrawal of the appeal will be possible before the expiration of the stay on February 28, 2014, although a short extension of the stay may be necessary. As the parties work to complete the settlement over the coming week, we will continue to evaluate the need for an extension of the stay and, if necessary, may submit such a request to the Board.

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 February 14, 2014.

STATUS REPORT

Since the filing of the parties' Fifth Joint Status Report, the parties have continued to make progress toward a settlement. In particular, Uxbridge has been reviewing the draft Administrative Order on Consent internally and its technical consultant and EPA technical staff have been in communication regarding certain provisions. Uxbridge has preliminarily indicated that the parties are close to a final agreement. The Region has also shared the draft order with the Massachusetts Department of Environmental Protection ("MassDEP").

The Region and Uxbridge are hopeful that resolution of the remaining matters, including necessary coordination with MassDEP, is possible prior to expiration of the stay on February 28, 2014. Accordingly, the parties do not seek an extension of the stay at this time.¹ Should the parties' expectations for prompt settlement prove overly optimistic, the Region and Uxbridge may find it necessary to request a brief additional extension. In light of the favorable progress of settlement discussions thus far, however, the parties will continue to work towards prompt finalization of the order and the withdrawal of the permit appeal.

Dated: February 14, 2014

¹ A complicating factor, however, is that EPA counsel assigned to this matter will be unavailable from February 21 to February 27, 2014, due to a scheduled absence that cannot be moved.

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 Sixth 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:

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Dated: February 14, 2014

/s/ Michael Curley
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