



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

VIA ELECTRONIC FILING

December 26, 2013

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 Joint Motion to Extend the Stay of Proceedings 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)	
)	

JOINT MOTION TO EXTEND STAY OF PROCEEDINGS

Region 1 of the United States Environmental Protection Agency (“Region”) and the Town of Uxbridge Sewer Commission (“Uxbridge”) hereby respectfully request that the Environmental Appeals Board (“Board”) extend the current stay of the above-captioned matter to enable the parties to conclude negotiations. The Region has substantially completed a draft administrative consent order to settle the appeal, but requires additional time to gather further information and to complete its internal review before sharing it with Uxbridge. The parties continue to believe that a negotiated settlement is likely and, accordingly, respectfully request that the Board extend the stay to February 28, 2014.

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' joint motion requesting an extension of the stay on October 29, 2013. The latter order stayed the proceedings until December 31, 2013.

RELIEF REQUESTED AND GROUNDS FOR RELIEF

As indicated in the last status report, the Region began preparing a consented-to administrative order last month that it expects will enable a negotiated resolution of this appeal. To that end, the Region has substantially completed the draft order, which it intends to share with Uxbridge following internal review of the document. Preliminary internal review has identified the need for an additional, limited exchange of information and discussion between technical staffs of EPA and Uxbridge regarding an issue that will be material to the shape of any final settlement. This exchange of information has already begun, and is expected to be completed in the near term. Previously scheduled year-end vacations of key Region 1 personnel, however, have necessitated that the internal review of the draft order in light of the new information will likely not be complete until into the New Year.

Nonetheless, the parties remain fully committed to negotiating a settlement of this matter and, accordingly, respectfully request that the Board extend the current stay until February 28, 2014 to enable the parties to focus on preparing a suitable order. If, however, the stay is not continued, the Region will be forced to shift already scarce legal and technical resources away from developing an order to preparing a Response to the Petition that it currently anticipates would be unnecessary. Furthermore, once the Region filed such a Response, the Town would be forced to turn its focus to review of that Response and its options for how to respond thereto, rather than to the settlement of this matter. While this would not preclude the later resumption of settlement negotiations, it

will certainly delay them and could ultimately derail them. The parties believe that, if the proceeding is stayed, they will be able to focus more fully on negotiations and reach a settlement of this appeal.

CONCLUSION

In light of the foregoing, the Region and Uxbridge jointly request that the Board (1) extend the stay of these proceedings until February 28, 2014, (2) require the parties to file a fourth joint status report on the settlement negotiations by January 31, 2014, and (3) extend the due date for the Region's Response to the Petition and the filing of an index to the administrative record until March 31, 2014.

Dated: December 26, 2013

Respectfully submitted,

U.S. EPA – Region 1

Town of Uxbridge Sewer Commission

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Joint Motion to Extend Stay of Proceedings, 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.
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Dated: December 26, 2013

/s/ Michael Curley
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