



Date:

JAN 22 2008

U.S. Environmental Protection Agency  
Office of Regional Counsel  
One Congress Street, Suite 1100  
Boston, MA 02114-2023  
Phone: (617) 918-1148  
Fax: (617) 918-1029

**PLEASE DELIVER TO:**

Eurika Durr  
Clerk, EPA Environmental Appeals Board  
(202) 233-0121

From: Samir Bukhari  
Attorney, Office of Regional Counsel  
EPA, Region 1

U.S.  
OE

**Number of Pages to Follow: 6**

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**RE: Joint Status Report and Fourth Motion to Extend Stay of Proceedings**  
**Re: Town of North Attleborough Wastewater Treatment Facility**  
**NPDES Appeal Nos. 07-02 and 07-04**  
**PL NPDES Permit No. MA0101036**

**Originals will follow via First Class Mail.**

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ENVIR. APPEALS BOARD

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**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**  
REGION 1  
1 CONGRESS STREET, SUITE 1100  
BOSTON, MASSACHUSETTS 02114-2023

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**VIA FACSIMILE AND FIRST CLASS MAIL**

U.S. Environmental Protection Agency  
Environmental Appeals Board (MC1103B)  
Attn: Eurika Durr, Clerk of the Board  
Ariel Rios Building  
1200 Pennsylvania Avenue, NW  
Washington, DC 20460-0001

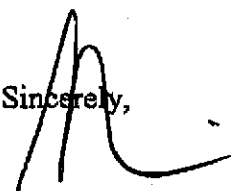
**Re: Joint Status Report and Fourth Motion to Extend Stay of Proceedings  
Town of North Attleborough Wastewater Treatment Facility  
NPDES Appeal Nos. 07-02 and 07-04  
NPDES Permit No. MA0101036**

Dear Ms. Durr:

In connection with the above-referenced matter, please find enclosed for docketing and review by the EPA Environmental Appeals Board an originally executed copy of a Joint Status Report and Fourth Motion to Extend Stay of Proceedings. In accordance with the Board's rules, the Region has provided five additional paper copies of the filing. A Certificate of Service is also enclosed.

If you should have any questions, please do not hesitate to contact me at 617-918-1095.

Sincerely,

  
Samir Bukhari  
Assistant Regional Counsel  
Office of Regional Counsel  
US EPA-Region 1

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

\_\_\_\_\_  
In the Matter of: )

Town of North Attleborough )  
Wastewater Treatment Facility )

NPDES Permit No. MA0101036 )  
\_\_\_\_\_ )

NPDES Appeal No. 07-02

NPDES Appeal No. 07-04

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**JOINT STATUS REPORT AND FOURTH MOTION TO EXTEND STAY OF  
PROCEEDINGS**

In its Third Order Staying Proceedings (September 28, 2007), the United States Environmental Protection Agency ("EPA") Environmental Appeals Board ("Board") directed EPA-Region 1 ("Region") to file its response to petition in the above-captioned matter no later than January 28, 2008. The parties respectfully request that the Board rescind this filing deadline and enter a further stay of proceedings in order to accommodate ongoing settlement negotiations.

In their last status report, the Region, the Town of North Attleborough ("Town") and the Rhode Island Department of Environmental Management ("RI-DEM") (the "parties") reported that an agreement in principle had been reached on numerical permit limits for nitrogen and phosphorus. *See* Joint Status Report (December 20, 2008). The parties also indicated that, prior to petitioners withdrawing their respective appeals, additional discussions were required regarding the details of the administrative order that the Region intends to issue to implement the limits. The parties have been engaged in productive discussions over the terms of the order and believe they are nearing agreement on its key provisions (*i.e.*, interim limits and final compliance

date). The Town has indicated to the Region that it intends to submit a final proposal regarding the order to the Region no later than January 23, 2008, and the parties have scheduled a conference call to resolve any remaining issues for January 25, 2008. The parties believe that the prospects for settlement are strong, but require additional time for settlement discussions to fully conclude.

In light of the parties' progress in negotiating a settlement to this dispute and because such a settlement will avoid the delay and commitment of resources associated with protracted litigation, the Region respectfully requests that the Board rescind the January 28, 2008, deadline for the Region to file its response to petition, continue the existing stay of the proceedings in this matter for an additional ninety (90) days, and require joint status reports updating the Board on the progress of settlement discussions at regular intervals. This time frame will allow the parties sufficient time to conclude negotiations on the remaining issues regarding the order, and assuming an agreement is reached, will allow the Region an opportunity to issue the final permit modification and prepare the administrative order. If the Region at any point concludes that a negotiated settlement has become unlikely, the Region will promptly inform the Board and suggest an alternative course of action.

Counsel for the Town and RI-DEM have assented to this filing.

Respectfully submitted,

United States EPA-Region 1



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Samir Bukhari, Esq.  
Assistant Regional Counsel  
US EPA Region 1 (RAA)  
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Boston, MA 02114-2023  
Phone: (617) 918-1095  
Fax: (617) 918-0095

Dated: January 22, 2008

In the Matter of:  
Town of North Attleborough Wastewater treatment Facility  
NPDES Appeals Nos. 07-02 and 07-04

CERTIFICATE OF SERVICE

I, Samir Bukhari, hereby certify that copies of a Joint Status Report and Fourth Motion to Extend Stay of Proceedings in connection with above-referenced appeals were sent on January 22, 2008, to the following persons in the manner described below:

By Facsimile  
Original by First Class Mail

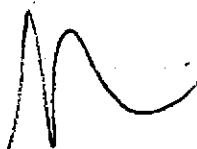
Eurika Durr, Clerk of the Board  
Environmental Appeals Board (MC 1103B),  
U.S. Environmental Protection Agency  
Ariel Rios Building  
1200 Pennsylvania Avenue, N.W.  
Washington, DC 20460-0001

Copy by First Class Mail

Jeffrey T. Blake, Esq.  
Kopelman and Paige, P.C.  
101 Arch Street  
12<sup>th</sup> Floor  
Boston, MA 02110-1109

Susan B. Wilson, Esq.  
Rhode Island Department of Environmental  
Management  
Office of Legal Services  
235 Promenade Street, 4<sup>th</sup> Floor  
Providence, RI 02908-5767

Dated: January 22, 2008

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Samir Bukhari, Esq.  
Office of Regional Counsel  
US EPA Region 1 (RAA)  
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617-918-1095