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ENVIR. APPEALS BOARD

Date: October 31, 2007

**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**

Number of Pages to Follow: 4

**RE: Joint Status Report
Town of North Attleborough Wastewater Treatment Facility
NPDES Appeal Nos. 07-02 and 07-04
NPDES Permit No. MA0101036**

Original will follow via First Class Mail.



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

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ENVIR. APPEALS BOARD

October 31, 2007

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
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 permit appeals, please find enclosed for docketing and review by the EPA Environmental Appeals Board an originally executed copy of a Joint Status and a Certificate of Service. The Region has provided five additional paper copies.

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

Sincerely,

A handwritten signature in black ink, appearing to read "Samir Bukhari".

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

Enclosures

cc:

Recipients Listed on Enclosed Certificate of Service

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

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07 OCT 31 AM 11:11
DIV. APPEALS BOARD

_____)	
In the Matter of:)	
)	
Town of North Attleborough)	NPDES Appeal No. 07-02
Wastewater Treatment Facility)	NPDES Appeal No. 07-04
)	
NPDES Permit No. MA0101036)	
_____)	

JOINT STATUS REPORT

In its Third Order Staying Proceedings (September 28, 2007), the United States Environmental Protection Agency ("EPA") Environmental Appeals Board ("EAB" or "Board") directed EPA-Region 1 ("Region") to file a status report on the progress of settlement discussions among the Region, the Town of North Attleborough ("Town") and the Rhode Island Department of Environmental Management ("RI-DEM") in the above-captioned matter no later than October 31, 2007.

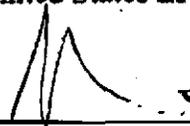
In their last filing with the Board, the parties stated that they had reached an agreement to resolve the contested conditions of the permit, subject to the parties negotiating the terms of a reasonable, mutually acceptable administrative compliance order with respect to the nitrogen and phosphorus limits in the permit, and that, furthermore, the Region would be proceeding with the issuance of a permit modification to implement the settlement. *See* Joint Status Report and Third Motion to Extend Stay of the Proceedings (September 27, 2007). Accordingly, on October 19, 2007, the Region issued for public notice and comment a draft permit modification with a new,

more stringent phosphorus effluent limitation. The public comment period on the modification ends on November 17, 2007. After considering any comments received and preparing a response, the Region expects to expeditiously issue a final permit and, after confirming no appeals have been filed, the parties expect to jointly motion to dismiss the petitions for review now pending before the Board. In the meantime, the parties will continue their active efforts to agree on the terms of a compliance schedule.

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

Respectfully submitted,

United States EPA-Region 1



Samir Bukhari, Esq.
Assistant Regional Counsel
US EPA Region 1 (RAA)
One Congress St. - Suite 1100
Boston, MA 02114-2023
Phone: (617) 918-1095
Fax: (617) 918-0095

Dated: October 31, 2007

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 Status Report in connection with above-referenced appeals were sent on October 31, 2007, to the following persons in the manner described below:

By Facsimile
Original by First Class Mail

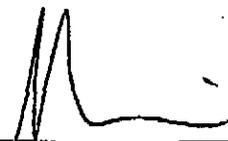
Eurika Durr, Clerk of the Board
Environmental Appeals Board (MC 1103B),
U.S. Environmental Protection Agency
Ariel Rios Building
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460-0001

Copy by First Class Mail

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

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

Dated: October 31, 2007



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