CECENTO U.S. E.P.A.

## BEFORE THE ENVIRONMENTAL APPEALS BOARD UNITED STATES ENVIRONMENTAL PROTECTION AGENCY(05 (10) 20 - /// (10) 10)

) ) CLYR, APPEALS COARD.

IN RE
City of Marlborough Westerly Wastcwater Treatment Facility NPDES No. MA0100480 Appeal Nos. NPDES 05-05 and 05-09
Town of Maynard Water Pollution Control Facility NPDES No. MA0101001 Appeal Nos. NPDES 05-06 and 05-12
Town of Westborough Wastewater Treatment Plant NPDES No. MA0100412 Appeal Nos. NPDES 05- <u>07</u> and 05-08

1.00

## ORGANIZATION FOR THE ASSABET RIVER'S RESPONSE TO THE REGION'S MOTION TO STAY

The Organization for the Assabet River (OAR) does not oppose the partial withdrawal of the permits and agrees that it does not make sense for Region I to brief the pending Petitions until action is completed on the modification of the permits. However, OAR request that the Environmental Appeals Board establish a final deadline of May 1, 2006, to ensure that modifications to the permits and any briefing related to the modifications be completed expeditiously. This deadline is consistent with the representations made by Region I in its motion.

## THE ORGANIZATION FOR THE ASSABET RIVER

By its Attorney,

Kenneth L. Kimmell Bernstein, Cushner & Kimmell, P.C. 585 Boylston Street, Suite 400 Boston, Massachusetts 02116 Tel. 617-236-4090 Fax 617-236-4339 E-Mail: kkimmell@bck.com

Dated: November 16, 2005

Elclientsloar/Response to Region's Motion to Stay oar doc

## CERTIFICATE OF SERVICE

I certify that I caused to be served by first class mail a copy of the Organization for the Assabet River's Response to the Region's Motion to Stay to:

Samir Bukhari, Esq. Office of Ecosystem Protection U.S. EPA, Region 1 1 Congress Street Suite 1100 (RAA) Boston, MA 02114-2023

James Curtin, Esq. Water Law Office Office of General Counsel U.S. Environmental Protection Agency 1200 Pennsylvania Avenue, NW Washington, DC 20430

Donald Anglehart, Esq. Gadsby Hannah LLP 225 Franklin Street Boston, MA 02110

Joseph M. Hamilton, Esq. Mirick O'Connell DeMallie & Lougee, LLP 100 Front Street Worcester, MA 01608-1477

David W. Owen Interim Town Administrator Office of the Department of Public Works Municipal Building, 195 Main Street Maynard, MA 01754

Walter Sokolowski Department of Public Works 195 Main Street Maynard, MA 01754

Dated: November 16, 2005

Kenneth L. Kimmell