

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

In re:

**Town of Northbridge Wastewater
Treatment Plant**

NPDES Permit MA0100722

Appeal No. NPDES 06-11

MOTION TO EXTEND STAY OF PROCEEDINGS

The United States Environmental Protection Agency, New England Region (“Region”), with the consent of counsel for the Town of Northbridge (“Town”), respectfully submits this Motion to Extend Stay of Proceedings to the Environmental Appeals Board (“Board”) with respect to the above-captioned matter.

BACKGROUND

On September 13, 2006, the Region reissued NPDES Permit No. MA0100722 (“Permit”) to the Town, authorizing wastewater discharges from the Northbridge Wastewater Treatment Plant into an unnamed tributary to the Blackstone River and establishing effluent limitations, monitoring requirements, and other conditions for such discharges. On October 16, 2006, the Town filed a petition for review by the Board contesting the Permit’s phosphorus limit of 0.2 mg/l from April 1 – October 31, the phosphorus limit of 1.0 mg/l from November 1 – March 31, and the fecal coliform limits for the period of November 1 – March 31. The Board received the petition on October 16, 2006, and directed the Region to respond to the petition no later than December 4, 2006.

On November 29, 2006, the Board granted a stay of the proceedings until March 6, 2007, to enable the parties to negotiate a settlement of the issues raised in the petition for review. The Board also directed the parties to submit, by January 10, 2007, a Status Report on the progress of settlement discussions. On January 10, 2007, the Region filed a Status Report with the Board. On January 30, 2007, the Town submitted a report to the Region proposing a full-scale testing program to evaluate several alternatives for meeting the phosphorus permit limits. On February 14, 2007, the Region filed a Motion to Extend the Stay of Proceedings in order to evaluate the Town's proposal. On February 15, 2007, the Board granted an extension of the stay of proceedings until May 3, 2007, and directed the parties to submit a Status Report on the progress of settlement discussions no later than April 5, 2007. On April 5, 2007, the Region filed a Status Report with the Board, describing the parties' continued negotiations.

As described above, to assist in the continuing settlement discussions, the Town has proposed conducting a testing program that will evaluate several alternatives designed to meet the new phosphorus limits. To facilitate an agreement that would resolve the issues on appeal, the Region has agreed to request a continuance of the stay to allow sufficient time for the Town's proposed testing. Accordingly, the Region seeks a further stay of proceedings.

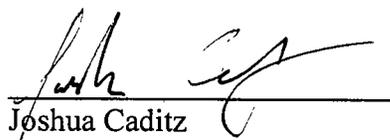
GROUND FOR CONTINUANCE OF STAY

In the interests of judicial economy and to conserve resources, the Region requests that these proceedings be stayed in order to allow sufficient time for (1) the Town to operate a program testing several options for meeting the phosphorus limits, beginning in June, continuing throughout the summer months, and concluding in October 2007; (2) the Town to evaluate its findings and report to the Region in November 2007;

and (3) the parties to continue settlement discussions based on the results of the evaluation in December, 2007. Therefore, the Region, with the consent of counsel for the Town, requests that these proceedings be stayed until January 15, 2008. On or as soon as possible before that date, the parties will submit a Status Report to advise the Board of the status of settlement discussions and whether it is appropriate to continue the stay, dismiss the petition, or establish a schedule for the Region's response to the petition.

Respectfully submitted,

United States EPA, Region I



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