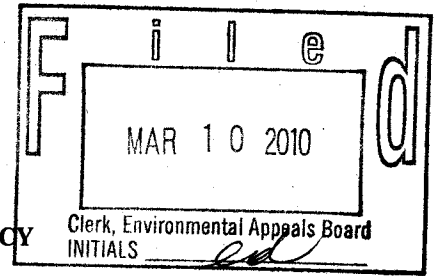


**BEFORE THE ENVIRONMENTAL APPEALS BOARD
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C.**



)
In re:)
City of Twin Falls) NPDES Appeal No. 09-13
Wastewater Treatment Plant)
)
Permit No. ID-002127-0)
_____)

ORDER DISMISSING PETITION

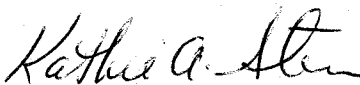
On September 22, 2009, Region 10 of the U.S. Environmental Protection Agency (the "Region"), issued a National Pollutant Discharge Elimination System permit decision allowing the City of Twin Falls to discharge pollutants from its Wastewater Treatment Facility into the Snake River. On October 26, 2009, the Idaho Conservation League ("ICL") filed a petition for review with the Environmental Appeals Board ("Board") under the provisions of 40 C.F.R. pt. 124, seeking review of permit condition I.B.1 and Appendix A, which authorize the permittee to engage in pollutant trading and establish the conditions under which such trading may take place. See Petition For Review, NPDES Appeal No. 09-13 (filed Oct. 26, 2009). On March 2, 2010, the Region filed a notification of withdrawal of permit condition, informing the permittee and the Board, among others, of the Region's withdrawal of the contested permit conditions. See Letter from Michael A. Bussell, Director Office of Water and Watersheds, to Ms. Jackie Fields, City Engineer --City of Twin Falls, *Notification of Withdrawal of Permit Conditions* (Mar. 2, 2010). The Region's notice was accompanied by a motion requesting that the Board dismiss the petition

for review on the grounds of mootness.¹ Petitioner, ICL, does not oppose the Region's motion.

Upon consideration, because the challenged permit conditions have been withdrawn,² the Board dismisses ICL's petition as moot. *See, e.g., In re City of Haverhill Wastewater Treatment Facility*, NPDES Appeal No. 08-01 (EAB Feb. 28, 2008) (Order Dismissing Petition for Review).

So ordered.³

Dated: March 10, 2010

By: 
Kathie A. Stein
Environmental Appeals Judge

¹ The same motion requested that the Board extend the Region's deadline to file a response to NPDES Appeal No. 09-12. The Board will rule on this request in a separate order.

² Section 124.19 authorizes the Regional Administrator to withdraw a permit or portions of a permit at any time prior to the rendering of a decision to grant or deny review. 40 C.F.R. § 124.19(d) ("The Regional Administrator, at any time prior to the rendering of a decision under paragraph (c) of this section to grant or deny review of a permit decision, may, upon notification to the Board and any interested parties, withdraw the permit * * *").

³ The panel deciding this matter is comprised of Environmental Appeals Judges Edward E. Reich, Kathie A. Stein, and Anna L. Wolgast.

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing Order Dismissing Petition in the matter of City of Twin Falls Wastewater Treatment Plant, NPDES Appeal No. 09-13, were sent to the following persons in the manner indicated:

By EPA Pouch Mail and via fax:

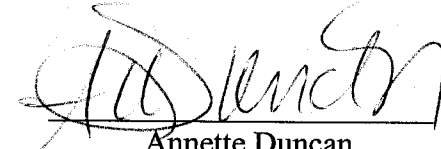
Peter Z. Ford
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**By First Class Mail Postage Prepaid
and via fax:**

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Fax #: (208) 344-0344
Phone #: (208) 345-6933 ext. 24

Dated: MAR 10 2010


Annette Duncan
Secretary