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

In re:	)	
	)	
City of San Diego Urban Area	)	NPDES Appeal No. 98-4
Pretreatment Program	)	
Docket No. CA0107409	)	
	)	

ORDER DENYING REVIEW

Before us is a petition filed by Vermatek Company, Inc. ("Vermatek") seeking review of U.S. EPA Region IX's denial of Vermatek's request for an evidentiary hearing. The hearing request and the current petition for review ostensibly relate to the Region's issuance of a National Pollutant Discharge Elimination System ("NPDES")[1] permit modification to the City of San Diego for the Point Loma Metropolitan Wastewater Pretreatment Plant on March 16, 1998. *See* CWA § 301(h) (Modification of secondary treatment requirements), 33 U.S.C. § 1311(h). The modification incorporates an Urban Area Pretreatment Program ("UAPP") into the City's 1995 NPDES permit. *See* 40 C.F.R. § 125.65 (Urban area pretreatment program).

Although neither the Evidentiary Hearing request nor the present petition are entirely clear, it appears as if Vermatek is

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[1]The Clean Water Act ("CWA") prohibits discharges of pollutants into the waters of the United States from any pont source, except in accordance with a permit issued under the NPDES program. CWA § 301, 33 U.S.C. § 1311. The NPDES program is the principal permitting program under the Clean Water Act. *Id*. at § 402, 33 U.S.C. § 1342.

contesting the City's alleged plan to seek bids for alternative grease control products for use in the City's sewer collection system, and to terminate a previously existing contract with Vermatek for what Vermatek classifies as "significant biological treatment." As the Region stated in its denial of Vermatek's evidentiary hearing request, however, the City's decision in this regard was:

> [I]n no way related to the EPA's approval of the UAPP, which is the subject of the permit modification. The UAPP establishes revised local limits, which apply to industrial sources that introduce certain pollutants into the City's wastewater treatment works; it does not set forth requirements for the collection system at the Point Loma Plant. The City's contracting activity is independent of the permit modification at issue.

Letter From Felicia Marcus, Regional Administrator, Region IX, to Sheldon G. Bardach, counsel for Vermatek (March 18, 1998).

The petition for review fails to convince us that the Region's determination in this regard was erroneous or otherwise warrants review. Moreover, because the petition fails to specify the conditions of the permit modifications being contested, it does not contain the degree of specificity required to support a petition for review.[2] *See In re Envotech, L.P.*, 6 E.A.D. 260, 267-69 (EAB 1996) (a petition for review must contain a "clear identification of the conditions in the permit at issue, and * * * argument that the conditions warrant review") (*quoting In*

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[2]To the extent that the petition may contest provisions of the City's 1995 NPDES permit rather than the permit modification at issue in this case, the petition is untimely.

re Beckman Production Services, 5 E.A.D. 10, 18 (EAB 1994)) .
Accordingly, for the above-stated reasons, review is hereby
denied.[3]

So ordered.

                                    ENVIRONMENTAL APPEALS BOARD

Dated: 12/1/98   By:_____/s/_____
                                         Edward E. Reich
                                    Environmental Appeals Judge

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[3]Vermatek's request for public hearings or pre-hearing
conferences on this issue is also denied.

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing Order Denying Review in the matter of City of San Diego Urban Area Pretreatment Program, NPDES Appeal No. 98-4, were sent to the following persons in the manner indicated:

By First Class Mail,
Postage Prepaid and
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Dated: 12/1/98   _____/s/_____
                                        Annette Duncan
                                          Secretary