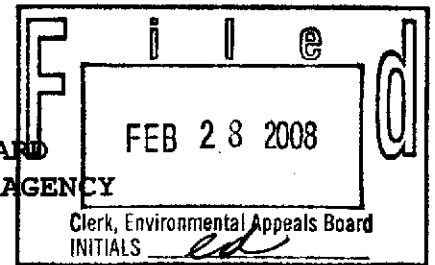


BEFORE THE ENVIRONMENTAL APPEALS BOARD
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C.



In re:)
)
City of Haverhill)
Wastewater Treatment Facility)
)
Permit No. MA0101621)
_____)

NPDES Appeal No. 08-01

ORDER DISMISSING PETITION FOR REVIEW

On December 5, 2007, Region 1 of the U.S. Environmental Protection Agency (the "Region"), issued a National Pollutant Discharge Elimination System permit decision allowing the City of Haverhill, located in Bradford Massachusetts, to discharge pollutants, from its Wastewater Treatment Facility, into the Merrimack River Basin (the "permit"). On January 3, 2008, the City of Haverhill filed a petition for review with the Environmental Appeals Board ("Board") under the provisions of 40 C.F.R. pt. 124, seeking review of the Nitrogen monitoring requirements in the permit.¹

On February 21, 2008, the Region filed a notice of contested and uncontested conditions and of withdrawal of permit conditions

¹ Specifically, the petition seeks review of the permit's monitoring requirements for Total Ammonia Nitrogen, as N, Total Kjeldahl Nitrogen, Total Nitrate and Total Nitrite (collectively referred to as "Nitrogen monitoring requirements").

with the Board, informing the Board of the Region's withdrawal of the Nitrogen monitoring requirements -- the only contested permit conditions. The Region's notice was followed by a motion requesting that the Board dismiss the petition for review on the grounds of mootness, and requesting that the Board stay its requirement that the Region produce and submit relevant portions of the administrative record, pending the Board's decision on the motion to dismiss. In its motion, the Region represents that the City of Haverhill has consented to the Region's request to dismiss the petition.

Under the circumstances, with the challenged permit conditions now withdrawn, the Board dismisses Haverhill's petition as moot.

So ordered.²

ENVIRONMENTAL APPEALS BOARD

Dated: *February 28, 2008*

By: _____

Anna Wolgast

Anna L. Wolgast
Environmental Appeals Judge

² 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 for Review in the matter of City of Haverhill Wastewater Treatment Facility, NPDES Appeal No. 08-01, were sent to the following persons in the manner indicated:

By Pouch Mail and via fax:

Jonathan Binder
Office of Regional Counsel
U.S. EPA, Region 1
One Congress Street, Suite 1100 (RAA)
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Fax #: (617) 918-0071
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**By First Class Mail Postage Prepaid:
and via fax:**

Fred G. Haffty, Jr.
Facility Manager
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Dated: FEB 28 2008


Annette Duncan
Secretary