

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

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In re Town of Amherst, Massachusetts)	NPDES Appeal No. 23-05
)	
NPDES Permit No. MA0100218)	
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)	

ORDER DISMISSING PETITION FOR REVIEW

The Town of Amherst, Massachusetts, petitioned the Environmental Appeals Board (“Board”) to review a National Pollutant Discharge Elimination System (“NPDES”) permit that EPA Region 1 issued to it authorizing the discharge of treated wastewater into the Connecticut River. The petition for review challenged a permit provision that contained *E. coli* effluent limit and monitoring requirements from March 1 through October 31, arguing that the Region failed to provide notice and an opportunity to comment on the requirements applying during the month of March.

On December 12, 2023, the Region filed a motion to dismiss the petition as moot, explaining that the Region had withdrawn, pursuant to 40 C.F.R. § 124.19(j), the sole contested permit provision. EPA Region 1 Motion to Dismiss Petition for Review as Moot (Dec. 12, 2023) (“Motion”); see Region 1, U.S. EPA, *Notice of Permit Provision Withdrawal & Notice of Uncontested and Severable Permit Conditions, Town of Amherst Wastewater Treatment Plant NPDES Permit No. MA0100218* (Dec. 6, 2023) (stating “the Region hereby withdraws the *E. coli* effluent limit and monitoring requirements during the month of March contained in the Final Permit at Part I.A.1.”). The Region further explained that it will “prepare a new draft permit


under 40 C.F.R. § 124.6” addressing the withdrawn “contested Permit provisions,” and that “the new draft provisions will be subject to notice” and comment pursuant to 40 C.F.R. § 124.10. Motion at 2-3. According to the Region’s motion, the Town of Amherst does not oppose the motion to dismiss. *Id.* at 3.

Having considered the motion to dismiss and the representations contained therein, the motion is GRANTED and the petition for review is DISMISSED.

So ordered.¹

ENVIRONMENTAL APPEALS BOARD

Dated: December 15, 2023

By: 

Wendy L. Blake
Environmental Appeals Judge

¹ The three-member panel deciding this matter is composed of Environmental Appeals Judges Aaron P. Avila, Wendy L. Blake, and Mary Kay Lynch.

CERTIFICATE OF SERVICE

I certify that copies of the foregoing *Order Dismissing Petition for Review* in the matter of Town of Amherst, Massachusetts, NPDES Appeal No. 23-05, were sent to the following persons in the manner indicated:

By Email:

Megan Edwards, Esq.
U.S. Environmental Protection Agency
Office of Regional Counsel, Region 1
5 Post Office Square
Boston, MA 02109
edwards.megan@epa.gov

Guilford Mooring
Superintendent
Amherst Public Works Department
586 South Pleasant Street
Amherst, MA 01002
mooringg@amherstma.gov

Lealdon Langley
MassDEP Division of Watershed
Management
Department of Environmental Protection
Commonwealth of Massachusetts
One Winter Street
Boston, MA 02108-4746
lealdon.langley@state.ma.us

Kenneth Moraff
Director, Water Division
U.S. Environmental Protection Agency,
Region 1
5 Post Office Square
Boston, MA 02109
moraff.ken@epa.gov

Michele Duspiva
U.S. Environmental Protection Agency,
Region 1
5 Post Office Square
Boston, MA 02109
duspiva.michele@epa.gov

Jennifer Wood
MassDEP
100 Cambridge Street, Suite 900
Boston, MA 02114
Jennifer.Wood@mass.gov

Matthew Sokop
Section Chief Water Pollution Control
MassDEP
Western Region
436 Dwight Street
Spring, MA 01103
Matthew.Sokop@mass.gov

Dated: Dec 15, 2023

Annette Duncan
Annette Duncan
Administrative Specialist