



REGION 10

SEATTLE, WA 98101

November 6, 2024

VIA ELECTRONIC FILING

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Environmental Appeals Board
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**RE: Tulalip Tribes of Washington WWTP
Lummi Sewer and Water District, Gooseberry Point WWTP & Sandy Point WWTP
NPDES Permit Nos. WA0024805, WA0025666, WA0025658
NPDES Appeal Nos. 24-02 & 24-03**

Dear Sir or Madam:

On September 7 and 9, 2024, Northwest Environmental Advocates (“NWEA”) filed two Petitions for Review of NPDES Permit Nos. WA0024805, WA0025666, and WA0025658 (“Permits”) with the U.S. Environmental Protection Agency Environmental Appeals Board (“EAB”) pursuant to 40 C.F.R. § 124.19(a). The Petitions for Review were consolidated by the EAB on September 24, 2024. The issues on appeal are: (1) whether the Region erred in failing to establish numeric nitrogen effluent limits in the permits and (2) whether certain narrative

conditions included in each permit will ensure compliance with applicable water quality standards.

Pursuant to 40 C.F.R. § 124.19(j), the Region, at any time prior to 30 days after filing the response to the petition, may withdraw the entire permit or portions of the permit and prepare a new draft permit under 40 C.F.R. § 124.6. The Region is hereby withdrawing the permits for the Tulalip Wastewater Treatment Plant (“WWTP”) (NPDES Permit No. WA0024805), Gooseberry Point WWTP (NPDES Permit No. WA0025666), and Sandy Point WWTP (NPDES Permit No. WA0025658). The Region will prepare new draft permits that address the issues on appeal. The new draft permits will be subject to notice and an opportunity to comment pursuant to 40 C.F.R. § 124.10. Until such time as the Region issues new final permits, the prior permits will remain in effect.

If you have any questions regarding this notice, please contact Courtney Weber, Assistant Regional Counsel, at 206-553-1477.

Sincerely,

Susan Poulsom
Acting Branch Manager
Permitting, Drinking Water, and Infrastructure