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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 1  
1 CONGRESS STREET, SUITE 1100  
BOSTON, MASSACHUSETTS 02114-2023

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2006 JAN 31 AM 10: 21

ENVIR. APPEALS BOARD

JAN 30 2006

**VIA EXPRESS MAIL**

U.S. Environmental Protection Agency  
Environmental Appeals Board  
Erika Durr, Clerk of the Board  
Colorado Building  
1341 G Street, N.W., Suite 600  
Washington, D.C. 20005

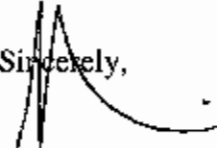
**Re: City of Cambridge, Department of Public Works (NPDES Permit MA0101974)  
NPDES Appeal Nos. 06-01, 06-02 and 06-03  
Motion to Dismiss**

Dear Ms. Durr:

Please find three (3) originals and five (5) copies of a Motion to Dismiss filed in connection with the above-referenced matter.

If you should have any questions, please do not hesitate to contact me at 617-918 1095.

Sincerely,



Samir Bukhari  
Attorney Advisor  
Office of Regional Counsel  
US EPA-Region 1

Enclosures

cc:

Lisa Peterson  
Stephen D. Anderson, Esq. (City of Cambridge)  
David C. Stroff, Esq. (The East Arlington Good Neighbor Committee)  
John F. Maher, Esq. (The Town of Arlington)

Cheryl A. Blaine, Esq. (The Town of Arlington)

Roger Frymire

Glenn Haas, MA DEP

Linda Murphy, EPA

Roger Janson, EPA

George Papadopoulos, EPA

Carl Dierker, EPA

Ann Williams, EPA

BEFORE THE ENVIRONMENTAL APPEALS BOARD  
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY NOV 31 AM 10:22  
WASHINGTON, D.C.

ENVIR. APPEALS BOARD

In the Matter of:

NPDES Appeal Nos. 06-01  
06-02  
06-03

City of Cambridge  
Department of Public Works

**MOTION TO DISMISS**

The New England Region of the Environmental Protection Agency ("Region") respectfully submits to the Environmental Appeals Board ("EAB" or "Board") this motion to dismiss NPDES Appeal Nos. 06-01, 06-02 and 06-03.

**GROUND FOR DISMISSAL**

On September 27, 2005, the Region reissued permit MA0101974 ("Permit") to the City of Cambridge ("Permittee"), which authorized discharge from eleven Combined Sewer Overflows to the Alewife Brook and Charles River in Massachusetts.

Pursuant to 40 C.F.R. § 124.19(a), the Town of Arlington, Roger Frymire and the East Arlington Good Neighbor Committee each timely filed petitions for EAB review of the Permit ("Petitions"). The respective Petitions were filed on January 4, 5 and 6, 2006. The Permittee subsequently sought to intervene in the each of the appeals. See, Motions to Intervene as Party Respondent, dated January 23, 2006 ("Motions").

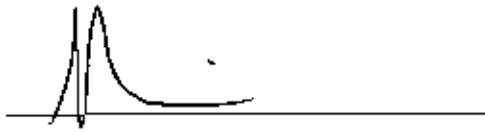
By letter dated January 30, 2006, the Region notified the Board, the Permittee and interested parties that it was withdrawing the Permit in its entirety pursuant to 40 C.F.R. § 124.19(d).

The Petitions and the associated Motions filed in connection with the above-captioned matter have been rendered moot by the withdrawal of the underlying Permit. See e.g., In re: City of Port St. Joe, Florida, 5 E.A.D. 6, 8 (EAB, Jan. 11, 1994).

**REQUESTED RELIEF**

The Region respectfully requests the Board to dismiss the Petitions and the Motions as moot.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Samir Bukhari', is written over a horizontal line.

U.S. Environmental Protection Agency,  
New England Region

By its Attorney,  
Samir Bukhari  
Attorney Advisor  
U.S. Environmental Protection Agency  
One Congress Street, Suite 1100 (RAA)  
Boston, MA 02114  
617-918-1095  
Fax 617-918-0095

JAN 30 2005

Dated: \_\_\_\_\_

## CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing Motion to Dismiss in the matter of City of Cambridge, Department of Public Works, NPDES Appeal Nos. 06-01, 06-02 and 06-03, were sent to the following persons in the manner indicated:

**By First Class U.S. Mail:**

Lisa Peterson  
Commissioner, Department of Public Works  
City of Cambridge  
147 Hampshire Street  
Cambridge, Massachusetts 02139

Roger Frymire  
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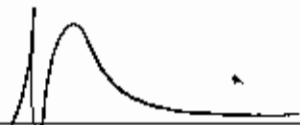
John F. Maher, Esq.  
50 Pleasant Street  
Arlington, Massachusetts 02476

**By Express Mail:**

U.S. Environmental Protection Agency  
Environmental Appeals Board  
Erika Durr, Clerk of the Board  
Colorado Building  
1341 G Street, N.W., Suite 600  
Washington, D.C. 20005

JAN 30 2005

Dated: \_\_\_\_\_

  
\_\_\_\_\_  
Samir Bukhari, Attorney  
EPA - Region 1  
Office of Regional Counsel