



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 1

1 CONGRESS STREET, SUITE 1100
BOSTON, MASSACHUSETTS 02114-2023

VIA OVERNIGHT MAIL AND ELECTRONIC SUBMISSION

May 11, 2009

Ms. Eurika Durr
Clerk of the Board
U.S. EPA Environmental Appeals Board (MC 1103B)
Colorado Building
1341 G Street, N.W., Suite 600

Thomas K. Walsh, Director
Upper Blackstone Water Pollution Abatement District
50 Route 20
Millbury, MA 01527

Re: Notice of Withdrawal of Contested Condition
Upper Blackstone Water Pollution Abatement District
NPDES Permit No. MA 0102369
NPDES Appeal No. 08-11

Dear Ms. Durr and Mr. Walsh:

In connection with the above-referenced NPDES permit and appeal, the Region provides notice of its determination to withdraw the total aluminum monthly monitoring and reporting requirements in the permit issued on August 22, 2008 pursuant to 40 C.F.R. § 124.19(d).

The Upper Blackstone Water Pollution Abatement District ("the District") appealed certain provisions of the permit via a petition for review filed on September 18, 2008, and a supplemental petition filed on October 8, 2008. Among other things, the District requested the Board's review of the permit's imposition of monthly monitoring and reporting requirements for total aluminum. *See District's Supplemental Petition for Review* at page 55. In a separate petition for review, Trout Unlimited (NPDES Appeal No. 08-14) argued the Region should have included an effluent limitation for total aluminum in the permit (not simply a monitoring requirement). In its *Opposition to Petitions for Review* filed on December 18, 2008, the Region indicated that, upon review of Trout Unlimited's petition, the Region intended to propose a modification to the permit. *See Region's Opposition at*

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n.1 and 135. The Region issued a draft permit modification on January 30, 2009. After evaluation of comments received during the public comment period, the Region issued a final permit modification on April 15, 2009. The final permit modification includes an effluent limitation for total aluminum and weekly monitoring and reporting requirements. *See Permit Modification* at page 2. (The final permit modification can be found at <http://www.epa.gov/region1/npdes/permits/2009/finalma0102369permitmodification.pdf>).

Having issued a final permit modification that includes weekly monitoring and reporting requirements for total aluminum, the Region withdraws the permit's original monthly monitoring and reporting requirements for total aluminum. If you have any questions regarding this matter, please feel free to contact Karen McGuire, the Region's counsel in this matter, at 617-918-1711.

Sincerely,



Ira. W. Leighton
Acting Regional Administrator

cc: Robert L. Moylan, Jr., Commissioner, Dept. of Public Works & Parks, Worcester
James Shuris, Director of Public Works, Town of Holden
J. Bradford Lange, Sewer Commission, Town of Millbury
Donald G. Manseau, Cherry Valley Sewer District
Town of Auburn, Board of Selectmen
Town of Rutland, Board of Selectmen
Town of West Boylston, Board of Selectmen
David M. Moore, City Solicitor, Worcester
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Karen L. Crocker, Counsel, Mass DEP