



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION I**

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OFFICE: OF THE
REGIONAL ADMINISTRATOR

Dated by electronic signature

VIA ELECTRONIC FILING & E-MAIL

Tommie Madison
Clerk of the Board
U.S. Environmental Protection Agency
Environmental Appeals Board
1201 Constitution Avenue, NW
U.S. EPA East Building, Room 3332
Washington, DC 20004

Elizabeth Taglieri
Charles River Pollution Control District
66 Village Street
Medway, MA 02053

**RE: Charles River Pollution Control District
NPDES Permit No. MA0102598; NPDES Appeal No. 26-02**

Dear Mr. Madison and Ms. Taglieri:

In accordance with 40 C.F.R. §§ 124.16 and 124.60, Region 1 of the United States Environmental Protection Agency (“the Region”) is providing notice of uncontested and severable permit conditions in connection with National Pollutant Discharge Elimination System (“NPDES”) Permit No. MA0102598, issued by the Region to the Charles River Pollution Control District (“CRPCD”) on December 15, 2025 (“2025 Permit”). When effective, the 2025 Permit will supersede CRPCD’s previous permit, which has been administratively continued since its expiration on October 31, 2019 (“2014 Permit”).

In its appeal, CRPCD contested:

1. The monthly effluent flow provision from July through September (“Summer effluent flow limit”), at Part 1.A.1 of the 2025 Permit.
2. Effluent limits for Total Residual Chlorine (“TRC”) and chronic whole effluent toxicity (“C-NOEC”) associated with aforementioned effluent flow provision, at Part 1.A.1 of the 2025 Permit.

See Petition for Review at 3-4. These conditions are collectively referred to as the “Contested Conditions.”

When a permit appeal is filed, EPA must issue a notification identifying which permit conditions are stayed as a result of the appeal and which permit conditions will go into effect. *See* 40 C.F.R.

§§ 124.16(a)(2)(i) and (ii). While an appeal is pending, contested permit conditions are stayed. *Id.* at § 124.16(a)(1). Uncontested permit conditions that are “inseverable” from contested conditions are also considered to be contested and are stayed. *Id.* at §§ 124.60(b)(4), 124.16(a)(2)(i). Uncontested permit conditions that are severable from contested conditions are not stayed and become enforceable conditions of the permit. *Id.* at §§ 124.16(a)(2)(i) and (ii).

The Region is notifying you that the Contested Conditions are stayed pending final agency action. The stay operates in accordance with EPA regulations. As the holder of an existing, administratively-continued permit, CRPCD must continue to comply with conditions of that 2014 Permit that correspond to the stayed conditions. *Id.* at § 124.16(c)(2). As such:

1. The Summer effluent flow provision in the 2025 Permit is stayed. CRPCD must comply with the identical provision at Part I.A.1 of the 2014 Permit (pg. 2).
2. The TRC and C-NOEC provisions in the 2025 Permit are stayed. CRPCD must comply with the corresponding 2014 Permit provisions at Part I.A.1 (pg. 2). Specifically, the 2014 Permit included a TRC monthly average limit of 17 µg/L, a TRC maximum daily limit of 30 µg/L, and a WET Chronic C-NOEC limit of greater than or equal to 63%.

EPA has determined that all other conditions of the 2025 Permit are uncontested and severable, and accordingly will become fully effective and enforceable on May 1, 2026.

If you have any questions regarding this notice, please contact Michael Knapp of the Office of Regional Counsel at knapp.michael@epa.gov or (617) 918-1053.

Sincerely,

Mark Sanborn
Regional Administrator
US EPA-Region 1

Cc via electronic mail:

Matthew Connolly, Matthew Snell, Counsel for Petitioner, Nutter McClennen & Fish, LLP
Robert Cantoreggi, Town of Franklin, Co-permittee
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