

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

JUL 13 2005

Mr. Carl Dierker, Director
Office of Regional Counsel
U.S. EPA, Region 1
1 Congress Street, Suite 1100
Boston, MA 02114-2023

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Re: City of Marlborough Westerly Wastewater
Treatment Facility
Permit Number: MA0100480
Appeal Number: NPDES 05-05

Dear Mr. Dierker:

Enclosed is a petition dated June 29, 2005 (received by the Environmental Appeals Board on June 30, 2005), filed by Kenneth L. Kimmell, Attorney, Bernstein, Cushner & Kimmell, P.C., on behalf of the Organization for the Assabet River, asking the Environmental Appeals Board to review a permit determination issued jointly by the United States Environmental Protection Agency, Region 1, and the Massachusetts Department of Environmental Protection in this case.

To assist the Environmental Appeals Board in deciding whether the matters raised by petitioner should be reviewed, please have your staff prepare a response that addresses the petitioner's contentions and whether petitioner has satisfied the requirements for obtaining review under 40 C.F.R. §124.19(a). Include relevant portions of the administrative record with the response, together with a certified index of the entire administrative record. Please file an original (signed in blue ink) and five copies of these materials no later than August 29, 2005, and send a copy of the response and the certified index to petitioner with a certificate of service showing the date and method of service.

All documents, including the materials due August 29, 2005 must reference the appeal number. **IMPORTANT:** In addition, any envelope or other packaging containing documents sent to the Environmental Appeals Board's mailing address or hand-delivery address, as prescribed below, must bear a complete and accurate return address in the upper left hand corner. The envelope or

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DATE	<i>7/13/05</i>	<i>7/13/05</i>				

packaging must also clearly state the case name and appeal number in the lower left hand corner.

Mailing and Hand Delivery Instructions¹

All documents that are sent through the U.S. Postal Service (except by Express Mail) MUST be addressed to the Environmental Appeals Board's mailing address which is:

U.S. Environmental Protection Agency
Clerk of the Board
Environmental Appeals Board 1103B
Ariel Rios Building
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460-0001

Documents that are sent to the Environmental Appeals Board's hand-delivery address (below) through the U.S. Postal Service (except by Express Mail) will be returned to the sender and shall not be considered as filed.

Documents that are **hand-carried** in person, delivered via courier, mailed by Express Mail, or delivered by a non-U.S. Postal Service carrier (e.g., Federal Express or UPS) **MUST be delivered to:**

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

Documents that are hand-carried may be delivered to the Clerk of the Board from 8:30 a.m. to 12:00 p.m. and 1:00 p.m. to 4:30 p.m., Monday through Friday (excluding federal holidays).

¹ The Environmental Protection Agency is experiencing delays in delivery of mail from the U.S. Postal Service. These delays are due to a new sterilization procedure applied to all U.S. Postal Service mail delivered to the federal government. Parties are encouraged to utilize non-U.S. Postal Service carriers and the Board's hand-delivery address when filing time-sensitive pleadings with the Board. Additional information regarding mail delivery to the Board is available on the Environmental Appeals Board website (www.epa.gov/eab) at Frequently Asked Questions.

A copy of this letter is being sent to the petitioner as notification of these filing requirements.

Thank you for your attention to these matters.

Sincerely,



Eurika Durr
Clerk of the Board

Enclosure

cc: w/o encl:

Kenneth L. Kimmell
Bernstein, Cusher & Kimmell, P.C.
585 Boylston Street, Suite 400
Boston, MA 02116

w/o exhibits:

Linda M. Murphy, Director
Office of Ecosystem Protection
U.S. EPA, Region 1
1 Congress Street, Suite 1100
Boston, MA 02114-2023

John Schunder, Director
Department of Public Works
Town of Northborough
211 Main Street
Northborough, MA 01532

Doran Crouse, Assistant Commissioner
Department of Public Works
135 Neil Street
Marlborough, MA 01752



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

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ENVIRONMENTAL APPEALS BOARD

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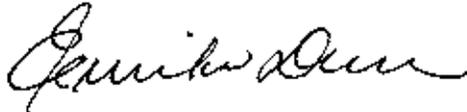
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