



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION I
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BOSTON, MASSACHUSETTS 02114-2023

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ENVIR. APPEALS BOARD

November 9, 2005

Eurika Durr, Clerk of the Board, Environmental Appeals Board (MC 1103B)
U.S. Environmental Protection Agency
Ariel Rios Building
1200 Pennsylvania Avenue NW
Washington, D.C. 20460-0001

Jeffrey P. Bibeau, Project Manager, Industrial Services Group
Tighe & Bond, Inc.
53 Southampton Road
Westfield, MA 01085

Mark S. Stupak, General Manager
Texon USA
1190 Huntington Street
P.O. Box 365
Russell, MA 01071

Re: Notice of Uncontested and Severable Conditions
NPDES Permit MA0005282
Texon USA
Russell, Massachusetts

Dear Ms. Durr and Messrs. Bibeau and Stupak:

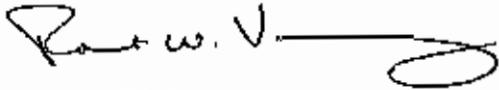
By letter to the Environmental Appeals Board dated October 6, 2005, Tighe & Bond, Inc., on behalf of Texon USA ("the Company"), filed, pursuant to 40 C.F.R. § 124.19(a), a Petition for Review ("Petition") of NPDES permit MA0005282 (the "Permit") reissued to the Company on September 9, 2005 by the New England Regional Office of the U.S. Environmental Protection Agency ("Region") and the Massachusetts Department of Environmental Protection. The Permit superseded the permit issued by the Region on November 12, 1999.

The Petition contests a requirement, located at page 3 footnote 5 of the Permit, to monitor the river temperature daily both upstream and downstream of the Company's discharge ("Contested Condition"). Pursuant to 40 C.F.R. § 124.16(a)(2)(ii), this letter notifies you

of my determination that the Contested Condition is stayed during the pendency of this appeal. All other conditions of the Permit are uncontested and severable from the contested permit terms. Thus, all of the other conditions are not stayed and will become fully effective enforceable obligations effective thirty days from the date of this notice, as provided by 40 C.F.R. § 124.16(a)(2)(i).

If you have any questions regarding this correspondence, please feel free to contact Ron Fein, the Region's legal counsel in this matter, at 617-918-1040, or David Pincumbe, in our Office of Ecosystem Protection, at 617-918-1695.

Sincerely,

A handwritten signature in black ink, appearing to read "Robert W. Varney", with a long horizontal flourish extending to the right.

Robert W. Varney
Regional Administrator

cc: Paul Hogan, Surface Water Permit Program, MA DEP
Linda Murphy, EPA
Brian Pitt, EPA
David Pincumbe, EPA
Victor Alvarez, EPA
Ron Fein, EPA
Denny Dart, EPA