



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

RECEIVED
U.S. E.P.A.
2008 FEB 21 PM 3:51
ENVIR. APPEALS BOARD

February 20, 2008

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

Fred G. Haffty, Jr., Facility Manager
City of Haverhill
Haverhill Wastewater Treatment Facility
40 South Porter Street
Haverhill, MA 01835-7646

Re: Appeal Number NPDES 08-01
Notice of Contested and Uncontested Conditions of NPDES Permit MA0101621
and of Withdrawal of Permit Conditions

Dear Ms. Durr and Mr. Haffty:

By letter dated January 2, 2008, Mr. Haffty filed, pursuant to 40 C.F.R. § 124.19(a), a Petition for Review (the "Petition") of NPDES Permit MA0101621 (the "Permit") reissued by the New England Regional Office of the U.S. Environmental Protection Agency (the "Region") to the City of Haverhill (the "City") on December 5, 2007. Mr. Haffty's January 2, 2008 Petition was received by the Environmental Appeals Board on January 3, 2008.

The City's Petition involves only the monitoring requirements for Total Ammonia Nitrogen, as N, Total Kjeldahl Nitrogen, Total Nitrate, and Total Nitrite set out in Part I.1.A. of the Permit (collectively the "Nitrogen monitoring requirements"). Pursuant to 40 C.F.R. § 124.16(a)(2)(ii), this letter notifies you of my determination that only the Nitrogen monitoring requirements are stayed during the pendency of this appeal. All other conditions of the Permit are uncontested and severable from the Nitrogen monitoring requirements. Thus, all of the other conditions are not stayed and will become fully effective enforceable obligations of the Permit effective on April 1, 2008, as provided by 40 C.F.R. §124.16(a)(2)(i).

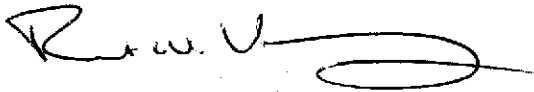
Furthermore, the Region hereby withdraws the Nitrogen monitoring requirements, which are the only contested conditions of the Permit. Thus, effective as of the date of this Notice, the Nitrogen monitoring requirements are no longer conditions of the Permit. The Region intends to further evaluate whether there is a need to impose Nitrogen monitoring requirements. If the

Region determines such Nitrogen monitoring requirements to be necessary, the Region may issue for public comment a draft permit modification, or request information pursuant to Section 308(a) of the Clean Water Act (33 U.S.C. § 1318(a)).

If the Region subsequently determines that a permit modification is necessary, the draft permit modification will proceed through the same process of public comment and opportunity for a public hearing as would apply to any other permit modification subject to 40 C.F.R. Part 124. Those portions of the Permit that are not withdrawn, which include the entire Permit except for the Nitrogen monitoring requirements, shall continue to remain in effect.

If you have any questions regarding this correspondence, please feel free to contact Jonathan Binder, the Region's legal counsel in this matter, at 617-918-1071, or Roger Janson, in our Office of Ecosystem Protection, at 617-918-1621.

Sincerely,

A handwritten signature in black ink, appearing to read "R. W. Varney", with a large, stylized flourish at the end.

Robert W. Varney
Regional Administrator

cc: Jonathan Binder, EPA
Doug Corb, EPA
Denny Dart, EPA
Roger Janson, EPA