



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 1
1 CONGRESS STREET, SUITE 1100
BOSTON, MASSACHUSETTS 02114-2023

OFFICE OF THE
REGIONAL ADMINISTRATOR

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

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

Robin Lepore, Esq.
Office of the Regional Solicitor
Department of the Interior
One Gateway Center, Suite 612
Newton, MA 02458

Deidre C. Menoyo, Esq.
388 Willis Road
Sudbury, MA 01776

Adam P. Kahn, Esq.
Foley Hoag, LLP
155 Seaport Blvd.
Boston, MA 02210

Re: NPDES Appeal Nos. 08-26, 08-27
NPDES Permit No. MA0039853
Town of Wayland Wastewater Management District Commission
Notice of Withdrawal of Conditions Pursuant to 40 C.F.R. § 124.19(d)

JUL 19 9 2009

Dear Ms. Durr, Ms. Lepore, Ms. Menoyo, and Mr. Kahn:

On September 30, 2008, the New England Regional Office of the U.S. Environmental Protection Agency ("the Region") reissued MA0039853 ("Permit") to the Town of Wayland Wastewater Management District Commission ("Commission"). The Permit authorizes discharges of treated effluent from the Commission's wastewater treatment plant ("WWTP") through its existing outfall into a wetland adjacent to the Sudbury River, or alternatively through a potential new

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outfall directly into the Sudbury River. The Permit establishes effluent limitations, monitoring requirements and other conditions for these discharges.

In November 2008, Thomas Arnold filed initial and supplemental Petitions for Review contesting certain conditions of the Permit (Appeal No. 08-26). The U.S. Department of the Interior filed a Petition for Review dated November 14, 2008, also contesting certain conditions of the Permit (Appeal No. 08-27).

Pursuant to 40 C.F.R. § 124.19(d), the Region hereby withdraws the following provisions of the Permit:

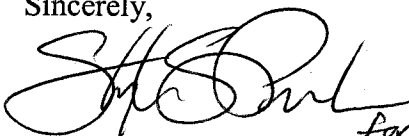
Part	Page	Parameter	Specific requirement withdrawn
I.A.1	2	Total phosphorus (April 1st - October 31st)	Average monthly effluent limit
I.A.1	2	Total phosphorus (November 1st - March 31st)	Average monthly effluent limit
I.A.2	6	Total phosphorus (April 1st - October 31st)	Average monthly effluent limit
I.A.2	6	Total phosphorus (November 1st - March 31st)	Average monthly effluent limit

Also pursuant to 40 C.F.R. § 124.19(d), the Region plans to propose revised phosphorus permit conditions in a draft permit modification to be submitted for public notice in the near future. The rationale for these proposed conditions will be presented in a Statement of Basis that will accompany the draft permit modification.

Pending a determination of uncontested and severable conditions pursuant to 40 C.F.R. § 124.16, the WWTP remains subject to all conditions, including phosphorus effluent limits, contained in its previous permit issued September 4, 1998.

If you have any questions regarding this correspondence, please feel free to contact Ronald Fein, the Region's legal counsel in this matter, at 617-918-1040.

Sincerely,



Ira W. Leighton
Acting Regional Administrator

cc: Brian Pitt, EPA
Paul Hogan, MassDEP