



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 1

5 POST OFFICE SQUARE, SUITE 100  
BOSTON, MA 02109-3912

**VIA ELECTRONIC FILING AND CERTIFIED MAIL-RETURN RECEIPT  
REQUESTED**

November 21, 2013

Richard K. Reine  
Director  
Town of Concord  
Department of Public Works  
133 Keyes Road  
Concord, MA 01742

Eureka Durr  
Clerk of the Board  
U.S. Environmental Protection Agency  
Environmental Appeals Board  
1200 Pennsylvania Avenue, NW  
Mail Code 1103M  
Washington, D.C. 20460-0001

**RE: Town of Concord Department of Public Works  
NPDES Permit No. MA0100668; NPDES Appeal No. 13-08**

Dear Ms. Durr and Mr. Reine:

In accordance with 40 C.F.R. §§ 124.16 and 124.60, Region 1 of the United States Environmental Protection Agency ("EPA") is providing notice of uncontested and severable permit conditions in connection with National Pollutant Discharge Elimination System ("NPDES") Permit No. MA0100668. EPA reissued that permit to the Town of Concord, Massachusetts, on August 2, 2013.

The Town of Concord timely petitioned EPA's Environmental Appeals Board ("EAB") for review of the permit on September 9, 2013. In its Petition, the Coalition contested the: (1) Flow Effluent Limit (Part I. A. 1.); (2) Aluminum Effluent Limit (Part I. A. 1.); (3) pH Effluent Limit (Part I. A. 1. b.; Part I. F.); (4) Di(2-ethylhexyl)phthalate (DEHP) Reporting Requirements (Part I. A.1.); (5) Collection System Mapping, Operations and Maintenance Plans, and Annual Reports (Part I. C. 1.-6.); and (6) Chemical dosing rate and reporting (Part I. A. 1., Footnote 7) (collectively, 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 a permit appeal is pending, the contested permit

conditions are stayed. *Id.* § 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). To the extent that conditions of the new permit are stayed, the Town must comply with those conditions of its previous permit (issued January 12, 2006) that correspond to the stayed conditions. *Id.* at § 124.16(c)(2).

EPA is notifying you that the Contested Conditions are stayed pending final agency action. *See* 40 C.F.R. §§ 124.16(a)(1) and 124.19(l). EPA has determined that all other conditions of the permit are uncontested and severable, and accordingly will become fully effective and enforceable thirty (30) days from receipt of this notice.

If you have any questions regarding this notice, please contact Samir Bukhari of the Office of Regional Counsel at (617) 918-1095.

Sincerely,



H. Curtis Spalding  
Regional Administrator  
US Environmental Protection Agency

cc: Robert D. Cox, Jr., Esquire  
Norman E. Bartlett, II, Esquire