



RHODE ISLAND

DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

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~ FAX ~

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TO:

Ms. Eureka Durr

FROM:

~~Gary Powers~~
~~Mary Kay~~
~~John Langlois~~
~~Marisa Desautel~~

Susan Forcier
~~Kathy Zarougian~~
Irene Lennox

Other: _____

FAX #:

202-233-0121

DATE:

9.8.09

TIME:

3:50 pm

PAGES:

3 (including cover)

RE:

NPDES Appeal 8-11-8-18 and 09-06
NPDES Permit MA 0102369

MESSAGE:

Upper Blackstone Water Pollution Abatement District

Please see Attached.

Thanks

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**RHODE ISLAND
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT**

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September 8, 2009

By Facsimile and Regular Mail

Ms. Eurika Durr
Clerk of the Board
Environmental Appeals Board, U.S. E.P.A.
1341 G Street, NW, Suite 600
Washington, DC 20005
Facsimile: (202) 233-0121

RECEIVED
ENVIRONMENTAL APPEALS BOARD
SEP 10 10 10 AM '09

RE: Upper Blackstone Water Pollution Abatement District (UBWPAD)
NPDES Permit No. MA 0102369, Millbury Massachusetts
NPDES Appeal Nos. 08-11 through 08-18 and 09-06

Dear Ms. Durr,

On behalf of the Rhode Island Department of Environmental Management ("RIDEM"), I would like to extend my thanks to the Environmental Appeals Board ("the Board") for inviting RIDEM, as *Amicus Curiae*, to participate in oral argument on September 16, 2009, regarding the important issues raised in this matter. Please consider this letter as notice that RIDEM respectfully declines to attend and participate in the oral argument. While RIDEM feels strongly about the issues involved in this appeal, the Department is also supportive of the Region's arguments and confident that the Region will be able to adequately and concisely present all relevant issues. RIDEM appreciates the opportunity and invitation to attend and participate in the oral arguments on this matter, but respectfully declines on the grounds that our *Amicus* brief adequately expresses our position and that we believe the Region can sufficiently argue all relevant issues without RIDEM's input. This letter declining to participate in this oral argument should not be treated as a disinclination to participate in further activities surrounding this matter, as RIDEM does intend to continue its participation as *Amicus Curiae* in this important matter.

Thank you again, and please do not hesitate to contact me at the address or phone or fax number above should you have any questions.

Very truly yours,

Susan B. Forcier
RIDEM Senior Legal Counsel

Cc (by regular mail): Karen A. McGuire and Amanda J. Helwig, US EPA Region 1
John Davenport, Conservation Law Foundation Boston
James Shuris, Town of Holden, MA
J. Bradford Lange, Town of Millbury, MA
Donald G. Manseau, Cherry Valley Sewer District
David M. Moore, City of Worcester
Nathan A. Stokes, Barnes & Thornburg, LLP
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