



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 1
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BOSTON, MASSACHUSETTS 02114-2023

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December 27, 2005

VIA EXPRESS MAIL

U.S. Environmental Protection Agency
Ms. Eureka Durr, Clerk of the Board
Environmental Appeals Board
Colorado Building
1341 G Street, N.W., Suite 600
Washington, D.C. 20005

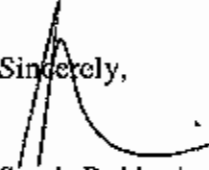
**Re: Status Report, Notice of Withdrawal of Petition and Joint Motion to Dismiss
Town of Belchertown, Massachusetts, Belchertown Water Reclamation Facility
NPDES Appeal No. 05-10
NPDES Permit No. MA0102148**

Dear Ms. Durr:

Please find an original and five (5) copies of a Status Report, Notice of Withdrawal of Petition and Joint Motion to Dismiss in connection with the above-referenced matter.

If you should have any questions, please do not hesitate to contact me at 617-918 1095.

Sincerely,


Samir Bukhari
Attorney Advisor
Office of Regional Counsel
US EPA-Region 1

Enclosures

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On August 5, 2005, the Region and the Town filed a Joint Motion for Stay of the Proceedings. In the motion, the Parties reported that they had entered into settlement negotiations and, accordingly, requested a stay of the proceedings before the Board until September 30, 2005.

The Board granted the motion on August 9, 2005 and instructed the Parties to provide the Board with a report on the status of settlement negotiations and to suggest a future course of action by September 30, 2005.

On September 29, 2005, the Parties informed the Board that settlement discussions had led to an agreement by the Town to withdraw the Petition in its entirety if the Permit were modified (i) to measure compliance with the contested flow limit using a monthly average rather than a twelve month rolling average and (ii) to remove the contested mass loading limits, which were imposed by the Region as a result of the shift from the monthly to annual average. Pursuant to 40 C.F.R. § 124.19(d), the Region notified the Board of its withdrawal of the flow and mass loading limits and its intention to issue a permit modification that reinstated a flow limit based on a monthly average. The Parties jointly motioned the Board to stay the proceedings to allow the permit modification process to conclude. On October 5, 2005, the Board issued an order granting the joint motion and staying the proceedings until January 15, 2006, by which time the Parties were to provide the Board with a status report.

**STATUS REPORT, NOTICE OF WITHDRAWAL OF PETITION
AND GROUNDS FOR DISMISSAL**

The Region issued a draft permit modification October 25, 2005. The modification was subject to public comment from October 29, 2005 to November 27, 2005. No comments or

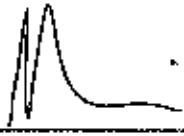
requests for a public hearing were received. The final permit modification was issued on December 20, 2005.

The modified permit adequately addresses the issues raised in the Petition. Accordingly, the Petitioner hereby notifies the Board that it is withdrawing its Petition in its entirety as of the date hereof. The above-captioned matter is now moot.

REQUESTED RELIEF

The Parties respectfully request the Board to dismiss the Petition in its entirety.

Respectfully submitted,



U.S. Environmental Protection Agency,
New England Region

By its Attorney,
Samir Bukhari
Attorney Advisor
U.S. Environmental Protection Agency
One Congress Street, Suite 1100 (RAA)
Boston, MA 02114
617-918-1095
Fax 617-918-0095

Dated: December 21, 2005



Town of Belchertown

By its Town Administrator,
Gary Brougham
One South Main Street, P.O. Box 670
Belchertown, MA 01007-0670
413-323-0403
Fax 413-323-0494

Dated: December 20, 2005

