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

07-02-04
ENVIR. APPEALS BOARD

VIA CERTIFIED MAIL

Eurika Durr, Clerk of the Board (MC 1103B)
Environmental Appeals Board
U.S. Environmental Protection Agency
Ariel Rios Building
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460-001

Jeffrey T. Blake, Esq.
Kopelman and Paige, P.C.
101 Arch Street, 12th Floor
Boston, MA 02110-1109

Susan B. Wilson, Esq.
Rhode Island Department of Environmental Management
Office of Legal Services
235 Promenade Street, 4th Floor
Providence, RI 02908-5767

**Re: Notice of Contested and Uncontested Conditions of NPDES Permit MA0101036
Town of North Attleborough Wastewater Treatment Plant
NPDES Appeal Nos. 07-02 and 07-04**

Dear Ms. Durr, Mr. Blake, and Ms. Wilson:

On February 5, 2007 the Rhode Island Department of Environmental Management ("RIDEM") filed a Petition for Review of NPDES permit MA0101036 ("Permit") with the Environmental Appeals Board ("Board") pursuant to 40 C.F.R. § 124.19(a). On February 8, 2007, the Town of North Attleborough ("Permittee") also filed a Petition for Review of the Permit with the Board. The Permit had been reissued to the Permittee on January 4, 2007 by the New England Regional Office of the U.S. Environmental Protection Agency ("Region"). The Permit superseded the permit issued by the Region on September 30, 1999 ("Prior Permit").

In its Petition, the Permittee contests the following limits and conditions of the Permit: (i) the monthly average nitrogen limit of 8 mg/l; (ii) the seasonal (April 1- October 31) monthly average

phosphorus limit of 0.2 mg/l; (iii) the monthly average and daily maximum copper limits; and (iv) the monthly average aluminum limit.

RIDEM in its Petition contests (i) the seasonal (April 1- October 31) monthly average phosphorus limit of 0.2 mg/l; (ii) the monthly average and daily maximum limits on copper; (iii) the monthly average and daily maximum limits on lead; (iv) the monthly average and daily maximum limits on aluminum; (v) the monthly average and daily maximum limits on zinc; and (vi) the monthly average and daily maximum limits on cadmium.

The limits and conditions contested by the Permittee and RIDEM are collectively referred to herein as the "Contested Conditions." Pursuant to 40 C.F.R. §§ 124.16(a)(2)(ii) and 124.60(b), this letter notifies you of my determination that the Contested Conditions are stayed until final agency action under 40 C.F.R. § 124.19(f).

All other conditions of the Permit are uncontested and severable from the Contested Conditions. Thus, all of the other conditions are not stayed and will become fully effective enforceable obligations of the Permit on May 1, 2007, pursuant to 40 C.F.R. §124.16(a)(2)(i). With respect to each of the Contested Conditions, the corresponding term, if any, in the Prior Permit shall remain in effect.

If you have any questions regarding this correspondence, please feel free to contact Samir Bukhari, the Region's legal counsel in this matter, at 617-918-1095, or David Pincumbe, in the Region's Office of Ecosystem Protection, at 617-918-1695.

Sincerely,



Robert W. Varney
Regional Administrator

cc: Glenn Haas, MA DEP
Paul Hogan, MA DEP
David Pincumbe, EPA
Denny Dart, EPA