



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**

REGION 1  
1 CONGRESS STREET, SUITE 1100  
BOSTON, MASSACHUSETTS 02114-2023

**VIA FAX AND CERTIFIED MAIL - RETURN RECEIPT REQUESTED**

May 9, 2006

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

Samantha Woods  
North and South Rivers Watershed Association  
P.O. Box 43  
Norwell, MA 02061

John Laughlin  
Principal Executive Officer  
Rockland Sewer Commission  
P.O. Box 330  
Rockland, MA 02370

**Re: Notice of Contested and Uncontested Conditions of NPDES Permit MA0101923**

Dear Ms. Durr, Ms. Woods, and Mr. Laughlin:

On March 1, 2006, the North and South Rivers Watershed Association ("Petitioner") filed a Petition for Review of NPDES permit MA0101923 ("Permit") with the Environmental Appeals Board ("Board") pursuant to 40 C.F.R. § 124.19(a). The Permit had been reissued to the Permittee on January 26, 2006 by the New England Regional Office of the U.S. Environmental Protection Agency ("Region"). The Permit superseded the permit issued by the Region on August 4, 1999 ("Prior Permit").

*Contested Conditions*

In its Petition, the Petitioner contests the following limits and conditions of the Permit: (i) summer phosphorous effluent limit (April 1 - October 31), and (ii) compliance schedules for the summer phosphorous limit (April 1- October 31) and cold weather ammonia nitrogen limits

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(October 1 - March 31 and April 1 - May 31). The effluent limits for ammonia nitrogen (October 1 - March 31 and April 1 - May 31) are not contested but are unseverable from the compliance schedule for these limits. The Petitioner also contests the absence of mass loading limits for phosphorous and the absence of more prescriptive conditions in the inflow/infiltration control plan (section D.3.).

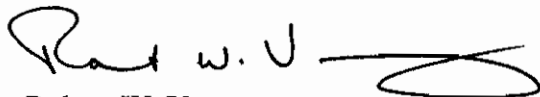
*Uncontested and Severable Conditions*

All other conditions of the Permit are uncontested and severable from the Contested Conditions.

The limits and conditions contested by the Petitioner 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 Limits and unseverable 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 thirty days from the date of this notice, as provided by 40 C.F.R. §124.16(a)(2)(i). With respect to each of the Contested Conditions and unseverable 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 Cynthia Liebman, the Region's legal counsel in this matter, at 617-918-1148 or Brian Pitt, in our Office of Ecosystem Protection, at 617-918-1875.

Sincerely,



Robert W. Varney  
Regional Administrator

cc:

Samantha Woods, North & South Rivers Watershed Association  
Gary Thomas, Kethro & Thomas, PC  
Paul Hogan, MA DEP  
Doug Corb, US EPA  
Cynthia Liebman, US EPA

cc by LAN:

Brian Pitt, US EPA  
Dave Pincumbe, US EPA  
Ann Williams, US EPA  
Roger Janson, US EPA