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January 10, 2008

ENVIR. APPEALS BOARD

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

Jeffrey T. Blake, Esq.  
Kopelman and Paige, P.C.  
101 Arch Street  
Boston, MA 02110

Re: Notice of Withdrawal of Contested Conditions  
Town of Northbridge Wastewater Treatment Plant, NPDES Permit MA0100722  
Appeal No. NPDES 06-11

Dear Ms. Durr and Mr. Blake:

On September 13, 2006, the Region reissued NPDES Permit, No. MA0100722 ("Permit"), to the Town of Northbridge ("Town"), which authorizes wastewater discharges from the Northbridge Wastewater Treatment Plant into an unnamed tributary to the Blackstone River and establishes effluent limitations, monitoring requirements and other conditions for such discharges. On October 16, 2006, the Town filed a petition for review by EPA's Environmental Appeals Board ("Board"), which contests the Permit's phosphorus limit of 0.2 mg/l from April 1 – October 31, the phosphorus limit of 1.0 mg/l from November 1 – March 31, and the fecal coliform bacteria limits for the period of November 1– March 31. EPA issued its notice of uncontested and contested conditions on November 17, 2006. As a result, the uncontested conditions took effect on December 17, 2006, and the contested conditions remain stayed, pursuant to 40 C.F.R. §§ 124.16(a)(2) and 124.60(b).

The Board has granted several stays of the proceedings to enable the parties to engage in negotiations in an effort to narrow or resolve the issues on appeal. In its September 28, 2007 status report to the Board, EPA informed the Board that it intended to withdraw the winter fecal coliform bacteria limits and to propose new limits for public comment in October, 2007. EPA experienced some delays in this effort but is now prepared to issue a public notice of and seek comment on proposed limits.

Therefore, by this letter and pursuant to 40 C.F.R. § 124.19(d), EPA is withdrawing the contested fecal coliform bacteria limits for the period of November 1– March 31. EPA expects to propose new winter bacteria limits for public comment no later than January 18, 2008.

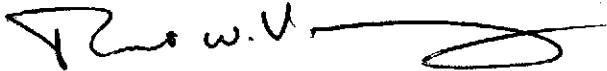
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If you have any questions regarding this correspondence, please feel free to contact attorney Ann Williams at 617-918-1097.

Sincerely,

A handwritten signature in black ink, appearing to read "Robert W. Varney", with a long horizontal flourish extending to the right.

Robert W. Varney  
Regional Administrator

cc: Ann Williams, EPA  
George Papadopoulos, EPA  
Paul Hogan, MassDEP  
Denny Dart, EPA  
Angelo S. Liberti, RIDEM  
Richard R. Sasseville, Town of Northbridge