



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 1
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ENVIR. APPEALS BOARD

VIA REGULAR MAIL AND ELECTRONIC FILING

December 11, 2006

OFFICE OF THE
REGIONAL ADMINISTRATOR

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

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

**Re: Notice of Uncontested and Severable Conditions of NPDES Permit No. MA0100617,
Appeal No. NPDES 06-16**

Dear Ms. Durr and Mr. Blake:

On November 3, 2006, the City of Leominster ("Permittee") filed a Petition for Review of NPDES Permit MA0100617 ("Permit") with the Environmental Appeals Board ("Board") pursuant to 40 C.F.R. § 124.19(a). The New England Regional Office of the U.S. Environmental Protection Agency ("Region") reissued the Permit to the Permittee on September 28, 2006. The Permit superseded a prior permit issued by the Region on July 28, 2000 ("Prior Permit").

Uncontested and Severable Conditions

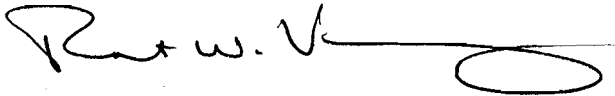
In its Petition, the Permittee contests the following limits and conditions of the Permit: (i) the phosphorus limit of 0.2 mg/l from April 1 – October 31, and (ii) the phosphorus limit of 1.0 mg/l from November 1 – March 31. These two limits are collectively referred to herein as the "Contested Limits."

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 are stayed until final agency action under 40 C.F.R. § 124.19(f). All other limits and conditions of the Permit are uncontested and severable from the Contested Limits. Thus, all of the other limits and conditions are not stayed and will become fully effective enforceable obligations of the Permit on February 1, 2007, in accordance with 40

C.F.R. § 124.16(a)(2)(i). With respect to the Contested Limits, 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 Joshua Caditz, the Region's legal counsel in this matter, at 617-918-1787, by fax at 617-918-0787, or by electronic mail at Caditz.Joshua@epa.gov, or Michele Barden, in the Office of Ecosystem Protection, at 617-918-1539, by fax at 617-918-1505, or by electronic mail at Barden.Michele@epa.gov.

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: Patrick LaPointe, City of Leominster, Department of Public Works
Michele Barden, EPA
Paul Hogan, DEP