

BCK

BERNSTEIN, CUSHNER & KIMMELL, P.C.

ATTORNEYS AT LAW

Jeffrey M. Bernstein
Kenneth L. Kimmell
Erin M. O'Toole
Barbara Kessner Landau
Jonathan S. Klavens

585 Boylston Street, Suite 400
Boston, Massachusetts 02116
(617) 236-4090

Facsimile: (617) 236-4339
E-Mail: bckboston@bck.com
URL: www.bck.com

The firm has attorneys who
are also admitted to practice in
California, District of Columbia,
Idaho, and Vermont

December 20, 2005

VIA FIRST CLASS MAIL

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

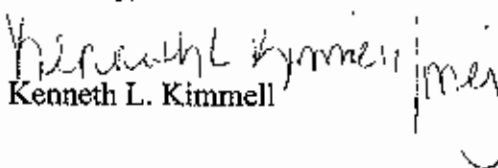
Re: *Westborough Wastewater Treatment Plant*
Permit No. MA 0200412
Appeal No. NPDES 05-07

Dear Clerk:

Enclosed for filing in the above-referenced matter please find a Notice of Voluntary Dismissal from the Organization for the Assabet River ("OAR") and a Certificate of Service.

Thank you for your attention to this matter.

Sincerely,


Kenneth L. Kimmell

KLK/mej
Enclosure

cc: Service List (w/encl.) (via first class mail)
Julia Blatt, Organization for the Assabet River (w/encl.) (via first class mail)
Glenn Haas, Massachusetts Department of Environmental Protection (w/encl.)
(via first class mail)
Donald Cowes, Chairman, Westborough Treatment Plant Board (w/encl.) (via
first class mail)

I:\Chents\OAR\Let EPA re Notice of Voluntary Dismissal of Westborough 12-20-05.oar.doc

Vermont Office:
PO Box 205
Woodstock, VT 05091
Telephone: (802) 356-2560
Facsimile: (802) 910-1003
E-Mail: bckvt@bck.com

Mountain States Office:
P.O. Box 1527
Ketchum, ID 83340
Telephone: (208) 727-9734
Facsimile: (208) 727-9735
E-Mail: eotoole@bck.com

U.S. EPA
U.S. E.P.A.
JUN 29 10 52 37
COMMUNICATIONS SECTION

**BEFORE THE
ENVIRONMENTAL APPEALS BOARD
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C.**

In re: Westborough Wastewater Treatment Plant

Permit No. MA0100412
NPDES Appeal No. 05-07

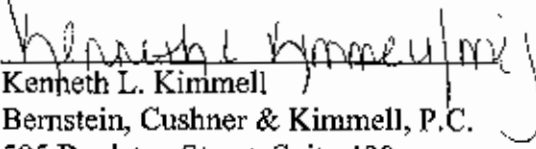
NOTICE OF VOLUNTARY DISMISSAL

On June 29, 2005, the Organization for the Assabet River ("OAR") filed a Petition for Review, pursuant to 40 CFR § 124.19, before the Environmental Appeals Board ("EAB") for review of NPDES Permit No. MA0100412 (the "Permit"), which was jointly issued to the Westborough Wastewater Treatment Plant on May 26, 2005, by the United States Environmental Protection Agency and the Massachusetts Department of Environmental Protection.

On September 30, 2005, OAR voluntarily dismissed the portion of its Petition for Review of that Permit regarding the effluent limits for copper and potentially other metals. OAR now hereby voluntarily dismisses its Petition for Review of that Permit, in full.

THE ORGANIZATION FOR THE
ASSABET RIVER

By its Attorney,


Kenneth L. Kimmell
Bernstein, Cushner & Kimmell, P.C.
585 Boylston Street, Suite 400
Boston, Massachusetts 02116
Tel. 617-236-4090
Fax 617-236-4339
E-Mail: kkimmell@bck.com

Dated: December 20, 2005

CERTIFICATE OF SERVICE

I certify that I caused to be served by first class mail a copy of the Notice of Voluntary Dismissal of Appeal to:

Samir Bukhari, Esq.
Office of Ecosystem Protection
U.S. EPA, Region 1
1 Congress Street Suite 1100
Boston, MA 02114-2023

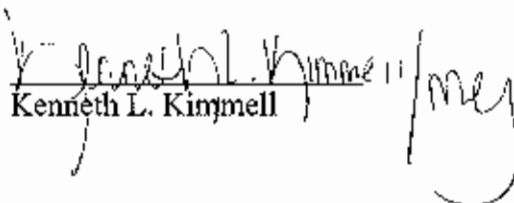
Rebecca Cutting
Senior Counsel
Department of Environmental Protection
Office of the General Counsel
One Winter St
Boston, MA 02108

Joseph M. Hamilton
Mirick, O'Connell, DeMallie & Louge LLP
100 Front Street
Worcester, MA 01608-1477

Donald L. Angelhart, Esq.
Gadsby Hannah LLP
225 Franklin Street
Boston, MA 02110

Peter Shelley, Esq.
John A. Pike, Esq.
John L. Davenport, Esq.
Conservation Law Foundation
62 Summer Street
Boston, MA 02110-1016

Dated: December 26, 2005


Kenneth L. Kimmell