



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
Region 1 – New England
5 Post Office Square, Suite 100
Boston, MA 02109-3912

VIA ELECTRONIC FILING

Mr. Emilio Cortes
Clerk of the Board
U.S. Environmental Protection Agency
Environmental Appeals Board
1201 Constitution Avenue, NW
U.S. EPA East Building, Room 3332
Washington, DC 20004

F. Paul Calamita
AquaLaw PLC
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Richmond, Virginia 23219
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Attorney for Petitioner

RE: Notice of Partial Withdrawal Pursuant to 40 C.F.R. § 124.19(j)
City of Portsmouth Pease Wastewater Treatment Facility
NPDES Permit Appeal No. 22-02; NPDES Permit No. NH0109000

Dear Mr. Cortes and Mr. Calamita,

On January 31, 2023, the Environmental Appeals Board (“Board”) issued a Second Order Extending Stay of Proceedings in order to allow EPA Region 1 to take certain steps as described in the Joint Motion for Extension of Stay prior to the City withdrawing its permit appeal. One of the steps enumerated in that motion was for EPA, pursuant to 40 C.F.R. § 124.19(j), to withdraw the daily concentration and mass-based limits for total suspended solids (“TSS”) and biological oxygen demand (“BOD”) at Part I.A.1 of the Permit.

Under the regulations governing the EAB appeals process, the Regional Administrator may withdraw portions of the permit and prepare a new draft permit under 40 C.F.R. § 124.6 addressing the portions so withdrawn at any time prior to 30 days after filing the response to the petition. 40 C.F.R. § 124.19(j). EPA hereby withdraws the daily concentration and mass-based limits for total suspended solids (“TSS”) and biological oxygen demand (“BOD”) at Part I.A.1 of the Permit.

EPA has prepared new corresponding new draft permit provisions. The new draft permit provisions will be subject to notice and an opportunity to comment pursuant to 40 C.F.R. § 124.10.

If you have any questions regarding this notice, please contact Michael Knapp of the Office of Regional Counsel at (617) 918-1053 or knapp.michael@epa.gov.

Sincerely,

David W. Cash
Regional Administrator
EPA Region 1