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ENVIR. APPEALS BOARD

Date: 5/9/06

U.S. Environmental Protection Agency
1 Congress Street, Suite 1100
Boston, Massachusetts 02114-2023
Office of the Regional Administrator
Phone: (617) 918-1010
Fax: (617) 918-1029

PLEASE DELIVER TO: Eureka Durr, Environmental Appeals Board
Ph: 202-233-0122
Fax: 202-233-0121

Number of Pages to Follow: 2

From: Cynthia Liebman

Comments:



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PLEASE DELIVER TO: John Laughlin
 Rockland Sewer Commission
 Ph: 781-878-1964
 Fax: 781-871-1909

Number of Pages to Follow: 2

From: Cynthia Liebman ph: 617-918-1148
 Enforcement Counsel

Comments:



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PLEASE DELIVER TO: Samantha Woods, NSRWA
ph: 781-659-8168
Fax: 781-659-7915

Number of Pages to Follow: 2

From: Cynthia Liebman

Comments:


UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

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

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VIA FAX AND CERTIFIED MAIL - RETURN RECEIPT REQUESTED ENVIR. APPEALS BOARD

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 The Permit superseded the permit issued by the Region on August 4, 1999 ("Prior Permit").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

(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.).

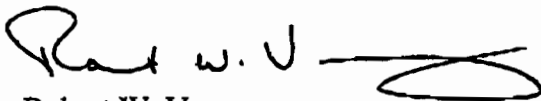
Uncontested and Severable Conditions

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