



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

November 7, 2019

**VIA ELECTRONIC FILING AND U.S. MAIL**

Eurika Durr  
Clerk of the Board  
U.S. EPA Environmental Appeals Board  
1200 Pennsylvania Avenue, NW (Mail Code 1103M)  
Washington, D.C. 20460-0001

Isaiah Lewis  
Wastewater Division  
City of Haverhill  
40 South Porter Street  
Haverhill, MA 01835

Matthew J. Connolly  
Michael A. Leon  
Matthew Snell  
Valerie A. Moore  
Nutter McClennen & Fish, LLP  
Seaport West, 155 Seaport Blvd.  
Boston, Massachusetts 02210

**RE: City of Haverhill**  
**NPDES Permit No. MA0101621; NPDES Appeal No. 19-04**

Dear Sir or Madam:

In accordance with 40 C.F.R. §§ 124.16 and 124.60, Region 1 of the United States Environmental Protection Agency ("EPA") is providing notice of uncontested and severable permit conditions in connection with National Pollutant Discharge Elimination System ("NPDES") Permit No. MA0101621. EPA reissued that permit to the City of Haverhill (the "City") on September 25, 2019.

The City timely petitioned EPA's Environmental Appeals Board ("EAB") for review of the permit on October 25, 2019. The City contested:

1. The total residual chlorine effluent limit (Permit at Section I.A.1); and,
2. The 45-minute simulated holding time provisions (Permit at I.A.1 at footnote 8).

*See* Petition for Review at 2. These conditions are collectively referred to as the "Contested Conditions."

When a permit appeal is filed, EPA must issue a notification identifying which permit conditions are stayed as a result of the appeal and which permit conditions will go into effect. *See* 40 C.F.R. §§ 124.16(a)(2)(i) and (ii). While a permit appeal is pending, the contested permit conditions are stayed. *Id.* at § 124.16(a)(1). Uncontested permit conditions that are "inseverable" from contested conditions are also considered to be contested and are stayed. *Id.* at §§ 124.60(b)(4), 124.16(a)(2)(i). Uncontested permit conditions that are severable from contested conditions are not stayed and become enforceable conditions of the permit. *Id.* at §§ 124.16(a)(2)(i) and (ii).

EPA is notifying you that the Contested Conditions are stayed pending final agency action. *Id.* at § 124.16(a)(1). As the holder of an existing, administratively-continued permit, Haverhill must continue to comply with conditions of that permit that correspond to the stayed conditions. *Id.* at § 124.16(c)(2). EPA has determined that all other conditions of the permit are uncontested and severable, and accordingly will become fully effective and enforceable on January 1, 2020.

If you have any questions regarding this notice, please contact Samir Bukhari of the Office of Regional Counsel at (617) 918-1095.

Sincerely,



---

Dennis Deziel  
Regional Administrator  
US EPA-Region 1

cc: Lealdon Langley, MassDEP

## CERTIFICATE OF SERVICE

I hereby certify that a copy of the Notice of Uncontested and Severable Conditions, in the matter of City of Haverhill, NPDES Appeal No. 19-04, was served on the following persons in the manner indicated:

By Electronic Filing:

Eurika Durr  
Clerk of the Board  
U.S. EPA Environmental Appeals Board  
1200 Pennsylvania Avenue, NW (Mail Code 1103M)  
Washington, D.C. 20460-0001

By U.S. Mail:

Matthew J. Connolly  
Michael A. Leon  
Matthew Snell  
Valerie A. Moore  
Nutter McClennen & Fish, LLP  
Seaport West, 155 Seaport Blvd.  
Boston, MA 02210

Isaiah Lewis  
Wastewater Division  
City of Haverhill  
40 South Porter Street  
Haverhill, MA 01835

Town of Groveland  
Town Hall  
183 Main Street  
Groveland, MA 01834

Dated: November 8, 2019



---

Samir Bukhari