

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

_____)	
In re:)	
)	
Berwick Sewer District)	NPDES Appeal No. 01-12
)	
Permit No. ME0101397)	
_____)	

ORDER DISMISSING PETITION FOR REVIEW

On February 26, 2001, Prime Tanning Company ("Prime") filed a petition for review of NPDES permit ME0101397 issued by U.S. EPA Region I (the "Region") to Berwick Sewer District (the "District") on January 26, 2001.

In a letter dated June 12, 2001, the Region notified the Board, Prime, and the District that the Region, pursuant to 40 C.F.R. § 124.19(d), had withdrawn the entire NPDES permit it had issued to the District.¹ See Letter from Susan Studlien, Office of Ecosystem Protection, Region I, to Eurika Durr et al. (June 7, 2001). The Region explained that the Maine Department of Environmental Protection ("MDEP") intended to prepare a new draft permit "in the near future under its MEPDES program, which the

¹Under 40 C.F.R. § 124.19(d), "[t]he Regional Administrator, at any time prior to the rendering of a decision * * * to grant or deny review of a permit decision, may, upon notification to the Board and any interested parties, withdraw the permit and prepare a new draft permit under § 124.6 addressing the portions so withdrawn."

Region approved MEDEP to administer for all areas within the [State of Maine] other than Indian Country on January 12, 2001."

Accordingly, the subject NPDES permit having been withdrawn, Prime's petition for review is hereby dismissed as moot.

So ordered.

ENVIRONMENTAL APPEALS BOARD

By: _____/s/
Edward E. Reich
Environmental Appeals Judge

Dated: 06/14/01

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing Order Dismissing Petition for Review in the Matter of Berwick Sewer District, NPDES Appeal No. 01-12, were sent to the following persons in the manner indicated:

First Class Mail:

Russell S. Frye, Esq.
Collier Shannon Scott, PLLC
3050 K Street, N.W., Ste. 400
Washington, DC 20007

Nicholas S. Nadzo
Jensen Baird Gardner & Henry
Ten Free Street
P.O. Box 4510
Portland, ME 04112

Berwick Sewer District
39 Powerhouse Road
P.O. Box 15
Berwick, ME 03901

Jonathan C. Averback
Steve Silva
U.S. EPA Region I
One Congress Street, Ste. 1100
Boston, MA 02114-2023

Date: 06/14/01

/s/
Annette Duncan
Secretary