

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

In re:)	
)	
)	
Town of Belchertown,)	NPDES Appeal No. 01-11
Massachusetts Department)	
Of Public Works)	
)	
NPDES Permit No. MA-0102148)	
)	

ORDER DISMISSING PETITION FOR REVIEW

On February 9, 2001, the Town of Belchertown, Massachusetts Department of Public Works ("Town") filed a petition for review with the Environmental Appeals Board ("Board") challenging the January 10, 2001 decision of the New England Office of the United States Environmental Protection Agency ("Respondent") to issue a National Pollutant Discharge Elimination System ("NPDES") permit for the Town's wastewater treatment facility.

By letter dated February 12, 2001, the Clerk of the Board notified Respondent that a response to the petition for review together with relevant portions of the administrative record and a certified index of the administrative record were to be filed with the Board by March 26, 2001.

On March 22, 2001, Respondent filed a letter with the Board notifying the Board that Respondent had withdrawn the entire NPDES Permit No. MA0102148 as of March 15, 2001.¹ Respondent further notified the Board that "the Town's July 7, 1997 permit will continue in effect until final agency action on a new permit is complete." Respondent's letter at 2.

Upon consideration of Respondent's notification that the entire NPDES permit has been withdrawn, and that the Town's July 7, 1997 NPDES permit remains in effect until further action by Respondent, the petition for review is dismissed as moot.

So ordered.

Dated: 03/27/01

ENVIRONMENTAL APPEALS BOARD

By: _____ /s/
Ronald L. McCallum
Environmental Appeals Judge

¹Under 40 C.F.R. § 124.19(d), Respondent is authorized to withdraw the challenged permit and prepare a new permit under 40 C.F.R. § 124.6, prior to the Board rendering a decision under 40 C.F.R. § 124.19(c).

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing Order Dismissing Petition for Review in the matter of the Town of Belchertown, Massachusetts Department of Public Works, NPDES Appeal No. 01-11, were sent to the following persons in the manner indicated:

By First Class Mail:

Linda M. Murphy
Director
Office of Ecosystem Protection
U.S. EPA, Region I
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Boston, MA 02114-2023

Omer H. Dumais, Jr.
Vice President
Tighe & Bond, Consulting Engineers
Environmental Specialists
Westfield Executive Park
53 Southhampton Road
Westfield, MA 01085-5308

Dated: 03/27/01

_____/s/_____
Annette Duncan
Secretary