

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Region 1

5 Post Office Square, Suite 100

Boston, MA 02109-3912



September 24, 2014

VIA ELECTRONIC FILING AND CERTIFIED 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

Elizabeth Schreiber
Charles River Water Pollution Control District
66 Village Street
Medway, Massachusetts 020053

Denis Fraine
Town of Bellingham
10 Mechanic Street
Bellingham, MA 02019

Jeffrey D. Nutting
Town of Franklin
Town Administration
355 East Central Street
Franklin, MA 02038

Suzanne K. Kennedy
Town of Medway
155 Village Street
Medway, MA 02053

Charles J. Aspinwall
Town of Millis
900 Main Street
Millis, MA 02054

**RE: Charles River Pollution Control District
NPDES Permit No. MA0102598; NPDES Appeal No. 14-01**

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. MA0102598. EPA reissued that permit to the Charles River Pollution Control District ("CRPCD") on July 23, 2014.

The Towns of Bellingham, Franklin, Millis and Medway ("Towns"), and the Upper Blackstone Water Pollution Control District (collectively, "Petitioners"), timely petitioned EPA's Environmental Appeals Board ("EAB") for review of the permit on August 27, 2014. CRPCD did not petition for review. Petitioners contested:

1. The inclusion of the Towns as co-permittees for specific activities required at Sections I.B (Unauthorized Discharges) and I.C (Operation and Maintenance of the Sewer System), which include conditions regarding operation and maintenance of the collection systems (Permit at p. 1);
2. The applicability of Part I.B. (Unauthorized Discharges) to co-permittees (Permit at p. 7); and,
3. The applicability of Part I.C. (Operation and Maintenance of the Sewer System) to "each co-permittee...for the collection system which it owns" (Permit at p. 7-9).

See Petition for Review by Upper Blackstone Water Pollution Abatement District and the Towns of Bellingham, Franklin, Millis and Medway at 1. 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. See 40 C.F.R. § 124.16(a)(1). Uncontested permit conditions that are "inseverable" from contested conditions are also considered to be contested and are stayed. See 40 C.F.R. §§ 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. See 40 C.F.R. §§ 124.16(a)(2)(i) and (ii).

EPA is notifying you that the Contested Conditions are stayed pending final agency action. See 40 C.F.R. §§ 124.16(a)(1) and 124.19(l). EPA has determined that all other conditions of the permit are uncontested and severable, and accordingly will become fully effective and enforceable thirty (30) days from receipt of this notice.

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

Sincerely,



H. Curtis Spalding
Regional Administrator
US EPA-Region 1

cc: Robert D. Cox, Jr., Esquire
Norman E. Bartlett, II, Esquire
Jennifer Garner, Esquire

