



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10
1200 Sixth Avenue, Suite 155
Seattle, WA 98101-3140

OFFICE OF
REGIONAL COUNSEL

September 19, 2024

Via Electronic Filing

Emilio Cortes
Clerk of the Board
U.S. Environmental Appeals Board
1200 Pennsylvania Avenue, NW
Mail Code 1103M
Washington, DC 20460-0001

Re: Lummi Tribal Sewer and Water District
Gooseberry Point WWTP & Sandy Point WWTP
Appeal No. NPDES 24-03

Dear Mr. Cortes:

Enclosed please find the EPA Region 10's Notifications of Stayed Permit Conditions, in the above-referenced matter. If you have any questions, please call me at (206) 553-1477.

Sincerely,

/s/ Courtney J. Weber

Courtney J. Weber
Assistant Regional Counsel

Enclosures



REGION 10

SEATTLE, WA 98101

September 17, 2024

Mr. Jim Heitzman
District Manager
Lummi Tribal Sewer and Water District
2156 Lummi View Drive
Bellingham, WA 98226

Re: Notification of Stayed Permits, Gooseberry Point WWTP, NPDES Permit No. WA0025666, and Sandy Point WWTP, NPDES Permit No. WA0025658

Dear Mr. Heitzman:

The above-referenced National Pollutant Discharge Elimination System (NPDES) permits (Permits) were issued on August 8, 2024. On September 10, 2024, the U.S. Environmental Protection Agency Region 10 (Region 10) received notification from the Environmental Appeals Board (EAB) that Northwest Environmental Advocates (NWEA) had filed a petition for review of the above-mentioned Permits (Appeal No. NPDES 24-03).

After reviewing the petition for review, Region 10 has determined that none of the conditions of the Permits should be stayed. NWEA's petition for review does not appear to contest a specific condition of the Permits. Instead, the petition for review challenges the absence of a condition that NWEA requested Region 10 add to the Permits during the public comment period. Since all of the Permits' conditions will have to be met regardless of the outcome of NWEA's appeal, both Permits' conditions are uncontested within the meaning of 40 C.F.R. § 124.60(b)(6)(ii). As such, in accordance with 40 C.F.R. § 124.16(a)(2), the entirety of both Permits will become fully effective and enforceable on January 1, 2025, as set forth in the Permits. Please feel free to contact Sally Goodman at (206) 553-0782 should you have any questions regarding this letter.

Sincerely,

**SUSAN
POULSOM**

Susan Poulosom

Acting Branch Manager

Permits, Drinking Water, and Infrastructure

Digitally signed by
SUSAN POULSOM
Date: 2024.09.17
13:08:40 -07'00'

cc: Environmental Appeals Board

Mr. Vince McGowan, Water Quality Program Manager, Washington State Department of Ecology (vince.mcgowan@ecy.wa.gov)

Ms. Kristin Lowell, Water Resources Manager, Lummi Department of Natural Resources (kristinl@lummi-nsn.gov)

CERTIFICATE OF SERVICE

I certify that the foregoing Notification of Stayed Permit Conditions was sent to the following persons, in the manner specified, on the date below:

By electronic filing to:

Emilio Cortes
Clerk of the Board
U.S. Environmental Protection Agency
Clerk of the Environmental Appeals Board
1341 G Street NW, Suite 600
Washington, DC 20005

By electronic mail to:

James N. Saul
Wild & Scenic Law Center
3519 NE 15th Ave., #207
Portland, OR 97212
(503) 342-2839
jamie@wildandsceniclaw.org
Attorney for Petitioner Northwest Environmental Advocates

DATED: September 19, 2024

/s/ Courtney Weber

Courtney Weber
Assistant Regional Counsel
U.S. EPA, Region 10