

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

In the Matter of:	)	
	)	
City of Lowell	)	
	)	NPDES Appeal No. 19-03
NPDES Permit No. MA0100633	)	
	)	

**RESPONDENT EPA’S NOTICE REGARDING ORAL ARGUMENT**

EPA Region 1 hereby notifies the U.S. Environmental Appeals Board that Michael Knapp and Cayleigh Eckhardt, both of Region 1’s Office of Regional Counsel, will be presenting argument to the Board in person on February 20, 2020. At argument, Mr. Knapp will address issues 2 (flow), 3 (*E. coli*), and 6-7 (CSO and bypass issues) of the City’s Petition for Review, and Ms. Eckhardt will address issues 1 (Phosphorus limits), 4, 5, and 10 (monitoring frequency), and 8-9 (narrative water quality standards). The oral argument will be divided in the manner described above due to the numerous distinct issues presented in the Petition and the workload pressures resulting from regional efforts to reduce the NPDES permitting backlog.

Additionally, EPA requests that the Board make the argument available via videoconference so that EPA staff who have worked on this Permit, but who will not present argument, may observe the proceedings.

Dated: January 16, 2020

Respectfully submitted,

U.S. EPA – Region 1

\_\_\_\_\_/s/\_\_\_\_\_  
Cayleigh Eckhardt, Esq.  
Michael Knapp, Esq.  
Maximilian Boal, Esq.  
US Environmental Protection Agency  
Office of Regional Counsel, Region 1

## CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Notice Regarding Oral Argument, in connection with In re City of Lowell, NPDES Appeal No. 19-03, was sent to the following persons in the manner indicated:

By Electronic Filing:

Ms. Eurika Durr  
Clerk of the Board  
U.S. Environmental Protection Agency  
Environmental Appeals Board  
1201 Constitution Avenue, NW  
U.S. EPA East Building, Room 3334  
Washington, DC 20004

By Electronic Filing and Electronic Mail:

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Dated: January 16, 2020

\_\_\_\_\_/s/\_\_\_\_\_  
Cayleigh Eckhardt, Esq.  
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US Environmental Protection Agency  
Office of Regional Counsel, Region 1