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The firm has attorneys who  
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September 30, 2005

**VIA FIRST CLASS MAIL**

United States Environmental Protection Agency  
Clerk of the Board, Environmental Appeals Board  
Colorado Building  
1341 G Street, N.W., Suite 600  
Washington, DC 20005

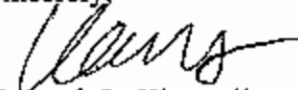
Re: *Marlborough Westerly Wastewater Treatment Facility*  
*NPDES Permit No. MA0100480*  
*NPDES Appeal No. 05-05*

Dear Clerk:

Enclosed for filing please find a Notice of Voluntary Dismissal of Appeal as it  
Relates to Metals from the Organization for the Assabet River ("OAR"), and a Certificate  
of Service. Please note that this dismissal relates only to the portions of OAR's appeal  
specified in the dismissal. All other portions of OAR's appeal remain in effect.

Thank you for your attention to this filing.

Sincerely,



Kenneth L. Kimmell

KLK/mej  
Enclosure

cc: Service List  
Julia Blatt, Organization for the Assabet River  
Doran Crouse, Assistant Commissioner, Marlborough Dept. of Public Works  
Glenn Haas, Massachusetts Department of Environmental Protection

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

In re: City of Marlborough  
Westerly Wastewater Treatment Facility

NPDES Appeal No 05-05

NPDES Permit No. MA0100480

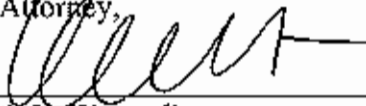
**NOTICE OF VOLUNTARY DISMISSAL OF APPEAL  
AS IT RELATES TO METALS**

On June 29, 2005, the Organization for the Assabet River ("OAR") filed a Petition for Review (the "Petition"), pursuant to 40 CFR § 124.19, before the Environmental Appeals Board ("EAB") for review of NPDES Permit No. MA0100480 (the "Permit"), which was jointly issued to the City of Marlborough on May 26, 2005, by the United States Environmental Protection Agency and the Massachusetts Department of Environmental Protection.

OAR hereby voluntarily dismisses the portion of its Petition for the Permit regarding the effluent limits for copper and potentially other metals, set forth specifically in section four of OAR's request for relief, which states that, "the metals limits should be recalculated to account for background and upstream sources of metals". See OAR Petition, pp. 27-28. All other portions of OAR's Petition for the Permit remain in effect.

THE ORGANIZATION FOR THE ASSABET RIVER

By its Attorney,

  
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**CERTIFICATE OF SERVICE**

I certify that I caused to be served by first class mail a copy of the Notice of Voluntary Dismissal of Appeal as it Relates to Metals to:

Samir Bukhari, Esq.  
Office of Ecosystem Protection  
U.S. EPA, Region 1  
1 Congress Street Suite 1100  
Boston, MA 02114-2023

Donald Anglehart, Esq.  
Gadsby Hannah LLP  
225 Franklin Street  
Boston, MA 02110

Dated: September 30, 2005

  
Kenneth L. Kimmell