

BCK

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The firm has attorneys who
are also admitted to practice in
California, District of Columbia,
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January 25, 2006

VIA FIRST CLASS MAIL

United States Environmental Protection Agency
Clerk of the Board, Environmental Appeals Board (MC 1103B)
Ariel Rios Building
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460-0001

Re: *City of Marlborough Westerly Wastewater Treatment Facility*
NPDES No. MA0100480; Appeal Nos. NPDES 05-05 and 05-09

Dear Clerk:

Enclosed for filing in the above-referenced matter please find two originals of the
Organization for the Assabet River's Response to the Region's January 2006 Status
Report.

Thank you for your attention to this.

Sincerely,


Kenneth L. Kimmell

KLK/mej
Enclosure

cc: Service List (w/encl.)
Julia Blatt, Organization for the Assabet River (w/encl.)
Glenn Haas, Massachusetts Department of Environmental Protection (w/encl.)

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ENVIR. APPEALS BOARD

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BEFORE THE ENVIRONMENTAL APPEALS BOARD
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY ENVIRONMENTAL APPEALS BOARD

IN RE)

City of Marlborough Westerly Wastewater)
Treatment Facility)
NPDES No. MA0100480)
Appeal Nos. NPDES 05-05 and 05-09)

**ORGANIZATION FOR THE ASSABET RIVER'S RESPONSE TO
THE REGION'S JANUARY 2006 STATUS REPORT**

The Organization for the Assabet River (OAR) hereby responds to the Region's Status Report dated January 12, 2006. OAR does not believe that the inter-municipal discussions mentioned in that document should affect the timing of the issuance of a revised draft permit. From OAR's perspective, the discussions between two municipalities about flow diversion does not affect OAR's appeal, which centers on phosphorous limits. Thus, OAR respectfully requests that the Environmental Appeals Board not extend the time for the Region to act on the proposed revised permit.

THE ORGANIZATION FOR THE ASSABET RIVER

By its Attorney,



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Dated: January 25, 2006

CERTIFICATE OF SERVICE

I certify that I caused to be served by first class mail a copy of the Organization for the Assabet River's Response to the Region's January 2006 Status Report to:

Samir Bukhari, Esq.
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Dated: January 25, 2006


Kenneth L. Kimmell