

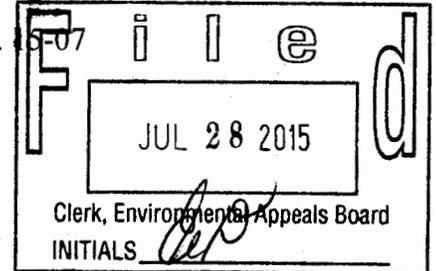
**ENVIRONMENTAL APPEALS BOARD
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C.**

In re:)

Star Sewer and Water District)
Wastewater Treatment Plant)

NPDES Permit No. ID0023591)

NPDES Appeal No. 15-07



ORDER DISMISSING PETITION FOR REVIEW

I. PROCEDURAL BACKGROUND

On April 28, 2015, Star Sewer and Water District (“Star”) filed a Petition for Review of NPDES Permit No. ID0023591 (“Permit”), which the U.S. Environmental Protection Agency, Region 10 (“Region”), issued to Star on March 26, 2015. The Permit authorizes discharges from Star’s wastewater treatment plant. The Permit provisions affected by the Petition are the effluent limitations for ammonia and chlorine as well as an ancillary provision dealing with the compliance schedule for chlorine. On May 5, 2015, the Region provided a Notification of Stayed Permit Conditions pending final agency action under 40 C.F.R. § 124.19(l). Letter from Daniel D. Opalski, Director, Office of Water and Watersheds, U.S. EPA Region 10, to John Kirtley, Board President, Star Sewer and Water District, *Notification of Stayed Permit Conditions NPDES Permit, Permit [sic] NO. ID0023591* (May 5, 2015). On May 26, 2015, the Idaho Department of Environmental Quality filed a Notice of Appearance, and on June 16, 2015, Justin Hayes filed an amicus curiae brief on behalf of himself and the Idaho Conservation League. The Region sought, and obtained from the Board, two extensions of the deadline to file the Region’s response. Second Order Granting Motion for Extension of Time to File Response (June 19, 2015) (“Second Order”); Order Granting Motion for Extension of Time to File Response (May 28, 2015). The most recent of these Board orders extended the Region’s filing deadline to July 22, 2015. Second Order at 3.

On July 21, 2015, the Region provided notice to Star and the other participants in this matter that the Region would withdraw the contested Permit conditions. These Permit provisions

are: (1) the interim and final total ammonia as N concentration and mass loading effluent limits, (2) the final total residual chlorine concentration and mass loading effluent limits, and (3) Task 4 of the chlorine compliance schedule. Letter from Daniel D. Opalski, Director, Office of Water and Watersheds, U.S. EPA Region 10, to Eurika Durr, Clerk of the Board, Environmental Appeals Board, U.S. EPA, *et al.* (July 21, 2015). The remaining conditions in the Permit are in effect pursuant to 40 C.F.R. § 124.16(a)(2). The notice indicates that the Region will prepare a new draft permit pursuant to 40 C.F.R. § 124.6. In an unopposed motion also filed July 21, 2015, the Region requested that the Environmental Appeals Board dismiss the Petition as moot.

II. ORDER

At any time prior to thirty days after the permit issuer's response brief is filed, the permit issuer may, "upon notification to the Board and any interested parties withdraw all or portions of a contested permit and prepare a new draft permit under [40 C.F.R.] § 124.6 addressing the portions so withdrawn." 40 C.F.R. § 124.19(j). Based on the explanation set forth in the Region's July 21, 2015 notice provided in accordance with 40 C.F.R. § 124.19(j), the Board dismisses the Petition as moot.

So ordered.

ENVIRONMENTAL APPEALS BOARD¹

Dated: 7/28/15

By: Mary Kay Lynch
Mary Kay Lynch
Environmental Appeals Judge

¹ The three-member panel deciding this matter consists of Environmental Appeals Judges Mary Kay Lynch, Kathie A. Stein, and Mary Beth Ward.

CERTIFICATE OF SERVICE

I certify that copies of the forgoing *Order Dismissing Petition for Review* in the matter of Star Sewer and Water District, NPDES Appeal No. 15-07, were sent to the following persons in the manner indicated:

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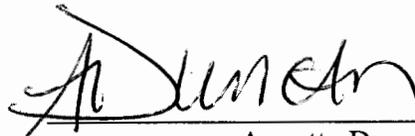
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Dated: JUL 28 2015



Annette Duncan
Secretary