

BCK

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The firm has attorneys who
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April 6, 2006

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2006 APR 11 PM 2:59
ENVIR. APPEALS BOARD

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 from the Organization for the Assabet River ("OAR") in the above-referenced matter, and a Certificate of Service.

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

I:\Clients\OAR\Let EPA re Marlborough Dismissal of Petition for Review 4-6-06.oar.doc

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BEFORE THE
ENVIRONMENTAL APPEALS BOARD
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460 APR 11 PM 2: 59
ENVIR. APPEALS BOARD

In re: Marlborough Westerly Treatment Facility

Permit No. MA0100480
NPDES Appeal No. 05-05

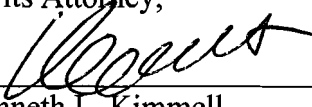
NOTICE OF VOLUNTARY DISMISSAL

On June 29, 2005, the Organization for the Assabet River ("OAR") filed a Petition for Review, 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 Marlborough Westerly Treatment Facility on May 26, 2005, by the United States Environmental Protection Agency and the Massachusetts Department of Environmental Protection.

On September 30, 2005, OAR voluntarily dismissed the portion of its Petition for Review of that Permit regarding the effluent limits for copper and potentially other metals. OAR now hereby voluntarily dismisses its Petition for Review of that Permit, in full.

THE ORGANIZATION FOR THE
ASSABET RIVER

By its Attorney,


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Dated: April 6, 2006


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 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: April 6, 2006



Kenneth L. Kimmell