



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 10

1200 Sixth Avenue, Suite 900
Seattle, WA 98101-3140

SEP 24 2009

OFFICE OF
WATER AND WATERSHEDS

VIA Electronic Submission and Federal Express

Ms. Eureka Durr, Clerk of the Board
U.S. Environmental Protection Agency
Environmental Appeals Board
Colorado Building, Suite 600
1341 G Street, N.W.
Washington, D.C. 20005

VIA Electronic and First Class Mail

Mr. Moses Jaraysi, Vice President
Environmental Programs and Regulatory Management
CH2M Hill Plateau Remediation Company
P.O. Box 1600
Richland, Washington 99352

Re: NPDES Appeal No.09-08
NPDES Permit No. WA-002591-7
Notification of Withdrawal of Permit Condition

Dear Ms. Durr and Mr. Jaraysi:

The above-referenced National Pollutant Discharge Elimination System (NPDES) permit was reissued to CH2M Hill Plateau Remediation Company, LLC (CHPRC) on June 23, 2009. On July 30, 2009, the Environmental Appeals Board notified Region 10 that CHPRC had filed a petition for review of the permit. By letter dated August 20, 2009, the Region identified those permit conditions that were stayed as a result of CHPRC's petition. The following contested condition was identified as stayed until final agency action under 40 C.F.R. § 124.19(f):

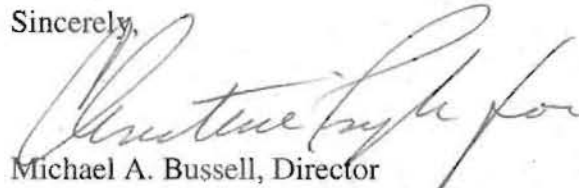
Part I.B.2: "Discharges of process water such as dust suppression water and stormwater from Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) Cleanup actions are prohibited from Outfall 004."

The remainder of the June 23, 2009 NPDES permit conditions were uncontested and severable from the contested condition and, in accordance with 40 C.F.R. §§ 124.16(a)(2) and 124.20(d), became fully effective and enforceable on September 22, 2009.

Pursuant to 40 C.F.R. § 124.19(d) the Region hereby withdraws Part I.B.2 from NPDES Permit No. WA-002591-7. As of the date of this notification, Part I.B.2 is no longer in effect as a permit condition. The Region intends to issue a public notice and seek comments on removing Part I.B.2 from the permit. Those permit conditions that are not withdrawn, which include the entire permit except Part I.B.2, continue to remain in effect.

If you have any questions regarding this correspondence, please feel free to contact Kim Owens, Office of Regional Counsel, at (206) 553-6052, or John Drabek, Office of Water and Watersheds, at (206) 553-8257.

Sincerely,



Michael A. Bussell, Director
Office of Water and Watersheds

cc: Mr. Raymond Takashi Swenson, CHPRC