



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10

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

NOV 24 2009

OFFICE OF
WATER AND WATERSHEDS

NOV 18 2009

Mr. Larry Osgood
Public Works Director
City of Caldwell
621 Cleveland Boulevard
Caldwell, Idaho 83605

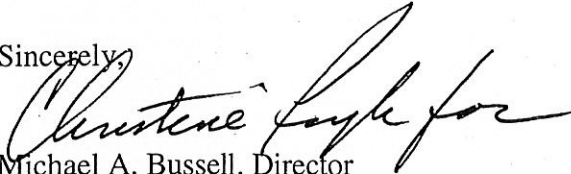
Re: Notification of Stayed Permit, City of Caldwell, NPDES Permit No. IDS-028118

Dear Mr. Osgood:

The above-referenced National Pollutant Discharge Elimination System (NPDES) permit (Permit) was issued to the City of Caldwell (City) on September 4, 2009. On October 20, 2009, the U.S. Environmental Protection Agency Region 10 (Region 10) received notification from the Environmental Appeals Board (EAB) that Pioneer Irrigation District (Pioneer) had filed a petition for review of the Permit (Appeal No. NPDES 09-11).

After reviewing the petition for review, Region 10 has determined that none of the conditions of the Permit should be stayed. Pioneer's petition for review does not appear to contest a specific condition of the Permit. Instead, the petition for review challenges the absence of a condition that Pioneer requested Region 10 to add to the Permit during the public comment period. Since all of the Permit's conditions will have to be met regardless of the outcome of Pioneer's appeal, the Permit's conditions are uncontested within the meaning of 40 C.F.R. § 124.60(b)(6)(ii). As such, in accordance with 40 C.F.R. § 124.16(a)(2), the entire Permit will become fully effective and enforceable 33 days after the date this notice is mailed. Please feel free to contact Misha Vakoc at (206) 553-6650 should you have any questions regarding this letter.

Sincerely,


Michael A. Bussell, Director
Office of Water and Watersheds

cc: Environmental Appeals Board
Lee Van de Bogart, City of Caldwell
Matthew J. McGee, Moffatt Thomas