

ENVIRONMENTAL APPEALS BOARD
U.S. ENVIRONMENTAL PROTECTION AGENCY

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ENVIR. APPEALS BOARD

In the Matter of:)
)
)
SCITUATE WASTEWATER TREATMENT PLANT)
NPDES PERMIT NO. MA0102695)
_____)

NPDES Appeal No.
04-17

OPPOSITION TO MOTION FOR LEAVE TO FILE A REPLY BRIEF; MOTION FOR LEAVE TO FILE SUR-REPLY BRIEF IF FILING OF REPLY BRIEF IS ALLOWED

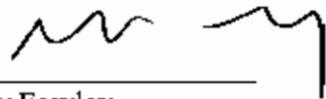
The Region hereby opposes the Town of Scituate's ("Town's") Motion for Leave to File a Reply Brief dated June 16, 2005. The Town has not shown that there is good cause for allowing this additional briefing.

The Town gives only two specific reasons why additional briefing should be allowed. First, the Town says that the Region mischaracterized the extent of comments submitted by the Town during the public comment period . But there was no mischaracterization, as a review of the Region's Memorandum in Opposition to Petition for Review ("Response Memorandum") and the Town's public comments (Attachment F to the Response Memorandum) by this Board would show. Second, the Town says that the Region's statement in the Response Memorandum acknowledging that the prior permit contained erroneous limits raises a new issue to which the Town now needs to respond. But there is no new issue - that the Region believed that the old limits were in error was made clear in the Fact Sheet (Attachment E to the Response Memorandum).

If, however, the Board decides to allow the Town to file its Reply Memorandum, then the Region moves that the Board also should allow the Region to file the attached Sur-Reply memorandum. The Town raises new issues in its Reply Memorandum to which the Region

should have an opportunity to respond. For example, in the Reply Memorandum, the Town claims for the first time that the Tidal Creek into which its treatment plant discharges is not a "receiving water."

Respectfully submitted,



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Dated: 6-28-05

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