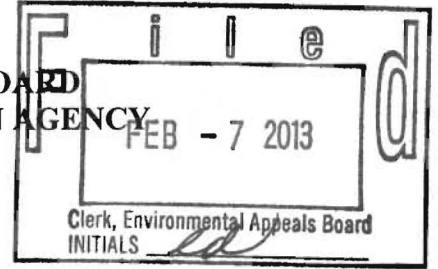


BEFORE THE ENVIRONMENTAL APPEALS BOARD
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, DC



_____))
In re:))
Town of Newmarket))
Wastewater Treatment Plant))
Permit No. NH0100196))
_____)

NPDES Appeal No. 12-05

ORDER GRANTING MOTION TO FILE AMICUS BRIEF

By motion filed with the Environmental Appeals Board (“Board”) on February 6, 2013, the New Hampshire Department of Environmental Services (“NHDES”) requests leave to file a non-party amicus curiae brief in the above-captioned matter “in order to correct the record with respect to certain actions and positions alleged to have been taken by [NHDES].” *See* New Hampshire Department of Environmental Services’ Motion to File Non-Party Amicus Brief and Amicus Brief, at 1 (Feb. 6, 2013) (“Motion”). The Amicus Brief is attached to the Motion. *See* Amicus Brief of N.H. Department of Environmental Services (“Amicus Brief”). According to the Amicus Brief, the petitioner in this matter, the Great Bay Municipal Coalition (“Coalition”), “has mischaracterized statements and positions made by NHDES with respect to the development of, use of, and the analyses supporting the document entitled ‘Numeric Nutrient Criteria for the Great Bay Estuary’ (referenced by the Petitioner as the ‘2009 Numeric Criteria’).” *Id.* at 2. NHDES states that “the amicus brief is an attempt by NHDES to correct some of the most important mischaracterizations.” *Id.*

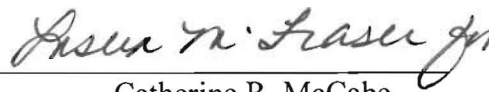
Upon consideration, the Motion is granted and the Amicus Brief is admitted to the record before the Board. Should the Coalition wish to comment on the Amicus Brief, it may do so in its reply due on March 1, 2013.¹

So ordered.

Dated:

ENVIRONMENTAL APPEALS BOARD

By: *February 7, 2013*



Catherine R. McCabe
Environmental Appeals Judge

¹ As the Board stated in its order dated January 11, 2013, the Coalition's reply is limited to twenty-five (25) double-spaced pages. *See* Order Denying Motion to File Supplemental Brief and Allowing Reply Briefs (Jan. 11, 2013). Today's order does not change this limitation.

CERTIFICATE OF SERVICE

I hereby certify that copies of the forgoing Order Granting Motion to File Amicus Brief in the matter of Town of Newmarket Wastewater Treatment Plant, NPDES Appeal No. 12-05, were sent to the following persons in the manner indicated:

By First Class Mail and Facsimile:

John C. Hall

1620 I Street, NW
Suite 701
Washington, D.C. 20006
Fax No. (202) 463-4207

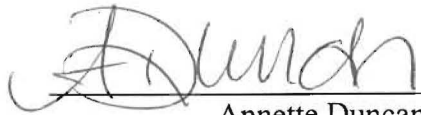
Evan J. Mulholland
Assistant Attorney General
New Hampshire Department of Justice
33 Capitol St.
Concord, NH 03301
Fax No. (603) 271-2110

By EPA Pouch Mail and Facsimile:

Samir Bukhari (ORA 18-1)
U.S. EPA, Region 1
Office of Regional Counsel
5 Post Office Square - Suite 100
Boston, MA 02109-3912

Fax No. (617) 918-0095

Dated: FEB - 7 2013



Annette Duncan
Secretary