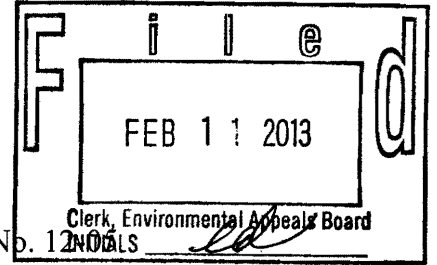


**BEFORE THE ENVIRONMENTAL APPEALS BOARD  
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, DC**

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

NPDES Appeal No. 12ND015



**ORDER GRANTING MOTION TO FILE NON-PARTY AMICUS BRIEF**

By motion filed with the Environmental Appeals Board (“Board”) on February 7, 2013, the Conservation Law Foundation, the Town of Newington, NH, and New Hampshire Audubon (collectively “CLF”) seek leave to participate in the above captioned matter. Motion of the Conservation Law Foundation, Town of Newington, and New Hampshire Audubon for Leave to Intervene (Feb. 7, 2013) (“Motion”). The Motion requests that CLF be allowed to “intervene with full-party status” and be permitted to file a response brief “and any other briefs warranted by the [Board’s] briefing schedule, and to participate in any oral arguments scheduled in this matter.” *Id.* at 1. In the alternative, CLF seeks leave to participate in this matter by filing a non-party amicus brief. CLF has attached its amicus brief to the Motion. Brief of Conservation Law Foundation, Town of Newington, and New Hampshire Audubon, in Response to Great Bay Municipal Coalition’s Petition for Review (Feb. 7, 2013) (“Amicus Brief”).

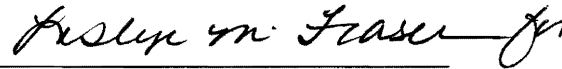
Upon consideration, the Board grants CLF's alternative motion to participate in this matter by filing a non-party amicus brief and the Amicus Brief is hereby admitted to the record before the Board.

So ordered.

ENVIRONMENTAL APPEALS BOARD

Dated: *February 11, 2013*

By:



\_\_\_\_\_  
Catherine R. McCabe  
Environmental Appeals Judge

**CERTIFICATE OF SERVICE**

I hereby certify that copies of the forgoing Order Granting Motion to File Non-Party 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

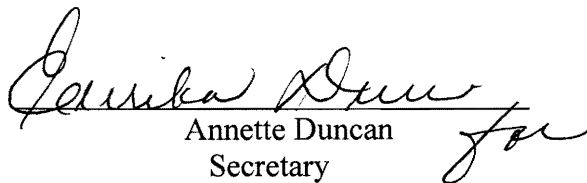
Evan J. Mulholland  
Assistant Attorney General  
New Hampshire Department of Justice  
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Thomas F. Irwin  
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By First Class Mail: Michael T. Racine  
PO Box 644  
Hillsborough, NH 03244

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: *5/16/13*

  
Annette Duncan  
Secretary