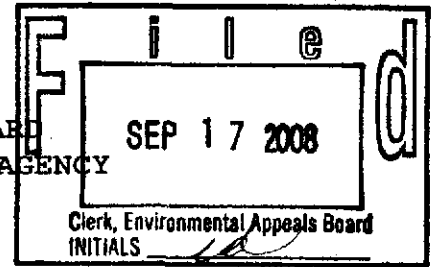


BEFORE THE ENVIRONMENTAL APPEALS BOARD  
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C.



In re: )  
 )  
City of Attleboro, MA )  
Wastewater Treatment Plant ) NPDES Appeal No. 08-09  
 )  
Permit No. MA 0100595 )  
 )

ORDER GRANTING RHODE ISLAND'S MOTION FOR LEAVE TO FILE REPLY  
BRIEF AND ALLOWING SUR-REPLY

By motion filed September 16, 2008, the Rhode Island Department of Environmental Management ("RIDEM") seeks leave to submit a reply to the responses of both the permittee, City of Attleboro (the "City"), and the permitting authority, U.S. EPA Region 1 (the "Region"). RIDEM requests that it be given until September 23, 2008, to submit a "short reply" to "address the following limited points:" (1) "Refute claims in both The City's response as well as the Region's Memorandum that the issues raised in RIDEM failed to raise the issues below that it seeks to present on appeal;" and (2) "clarify misstatements of law and fact in both the City's Response and the Region's Memorandum, including the scope of the burden borne by RIDEM as Petitioner, and whether RIDEM's Petition carried that burden, and the timeliness and relevance of the data referenced in RIDEM's Petition." Petitioner Rhode Island Department of Environmental

Management's Motion for Leave to File a Reply Brief (filed Sept. 16, 2008).

Upon consideration, the Environmental Appeals Board grants RIDEM's motion for leave to reply to the City's and the Region's response to the petition. RIDEM must file its reply brief on or before Tuesday, September 23, 2008. The City and the Region may also file a sur-reply to RIDEM's reply, if they wish to do so, no later than Tuesday, September 30, 2008. No further briefing will be permitted in this case except at the specific request of the Environmental Appeals Board.<sup>1</sup>

So ordered.

ENVIRONMENTAL APPEALS BOARD

Dated: 9/17/08

By: 

Edward E. Reich  
Environmental Appeals Judge

---

<sup>1</sup> The parties are hereby advised of the Board's intention to schedule oral argument in this matter some time this fall. The Board will issue a scheduling order soon after completion of briefing.

**CERTIFICATE OF SERVICE**

I hereby certify that copies of the foregoing Order Granting Rhode Island's Motion for Leave to File Reply Brief and Allowing Sur-reply in the matter of City of Attleboro, MA - Wastewater Treatment Plant, NPDES Appeal No. 08-09, were sent to the following persons in the manner indicated:

**By Pouch Mail  
and via fax:**


Samir Bukhari  
Amanda Helwig  
Office of Regional Counsel  
U.S. EPA, Region 1  
1 Congress Street, Suite 1100  
Boston, MA 02114-2023  
Fax: 617-918-0095

**By First Class Mail Postage Prepaid:  
and via fax:**

Douglas H. Wilkins  
Anderson & Kreiger, LLP  
One Canal Park, Suite 200  
Cambridge, MA 02141  
Fax: 617-621-6501

Susan B. Forcier, Esq.  
Department of Environmental Management  
Office of Legal Services  
235 Promenade Street, 4th Floor  
Providence, RI 02908-5767  
Fax: 401-222-3378

Dated: SEP 17 2008

  
Annette Duncan  
Secretary