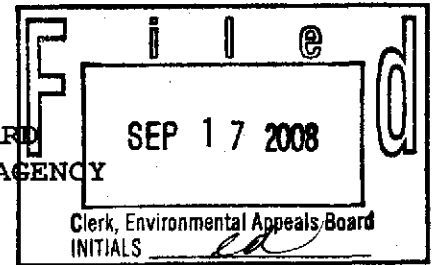


BEFORE THE ENVIRONMENTAL APPEALS BOARD
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C.



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

ORDER ALLOWING SUR-REPLY

By motion filed September 16, 2008, U.S. EPA Region 1 (the "Region") filed a motion opposing Petitioner's, the City of Attleboro's, motion for leave to file a reply brief, which the City filed on September 12, 2008. However, the Region filed its motion after the Environmental Appeals Board ("Board") had issued an order granting the City's request. See Order Granting Motion for Leave to File Rely Brief (EAB, September 15, 2008).

Under the circumstances, the Board has decided to allow the Region to file a sur-reply brief to the City's reply. The Region must file its sur-reply no later than Tuesday, September 30,

2008. No further briefing will be permitted in this case except at the specific request of the Board.¹

So ordered.

ENVIRONMENTAL APPEALS BOARD

Dated: 9/17/08

By: _____

Edward E. Reich
Environmental Appeals Judge

¹ 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 Allowing Sur-reply in the matter of City of Attleboro, MA - Wastewater Treatment Plant, NPDES Appeal No. 08-08, were sent to the following persons in the manner indicated:

**By Pouch Mail
and via fax:**

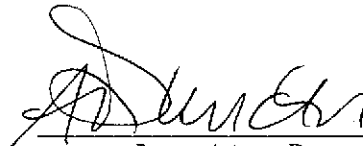
Samir Bukhari
Amanda Helwig
Office of Regional Counsel
U.S. EPA, Region 1
1 Congress Street, Suite 1100
Boston, MA 02114-2023
Fax: 617-918-0095

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

Douglas H. Wilkins
Anderson & Kreiger, LLP
One Canal Park, Suite 200
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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