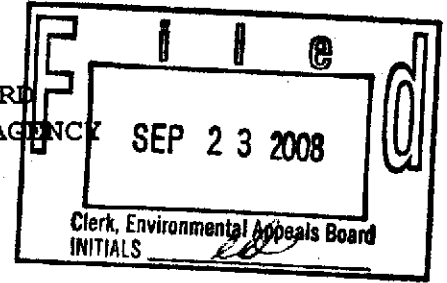


BEFORE THE ENVIRONMENTAL APPEALS BOARD
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C.



In re:)
)
Upper Blackstone Water)
Pollution Abatement District,) NPDES Appeal Nos. 08-11 & 08-12
)
Permit No. MA 0102369)
)

ORDER GRANTING EXTENSION OF TIME
TO SUPPLEMENT PETITIONS AND FILE RESPONSE

On August 22, 2008, the U.S. Environmental Protection Agency, Region 1 ("Region") issued a National Pollutant Discharge Elimination System ("NPDES") permit ("Permit") to the Upper Blackstone Water Pollution Abatement District ("District") allowing the District to discharge treated wastewater to the Blackstone River. Currently before the Environmental Appeals Board ("Board") are two requests for extension of time to file additional briefing in support of petitions for review, and to allow additional time for the Region to file its responses to those petitions.

More specifically, on September 15, 2008, the Board received a petition from the District requesting that the Board review certain terms and conditions in the Permit. See Initial Petition for Review ("District's Petition"). Filed with its petition is a

motion requesting to "modify the schedule for submission of the District's Petition for Review and the Region's response to that Petition." Assented to Scheduling Motion (filed Sept. 15, 2008). In its motion, the District explains that "the requested modification is necessary and appropriate due to the timing of issuance of the * * * Permit * * * by the Region * * * at a time when critical personnel and consultants of the District were unavailable * * * and the fact that numerous persons provided oral and/or written comments on the draft permit." *Id.* The District adds that "[a]ccepting this motion will insure that the District will be able to thoroughly review the Region's [122-page long Response to Comments] * * *, and to present its arguments to the EAB in a manner that is as clear and concise as possible." *Id.*

On September 18, 2008, the Massachusetts Department of Environmental Protection ("MADEP") filed a petition challenging certain aspects of the Permit. See Preliminary Petition for Permit Review ("MADEP's Petition"). As part of its petition, MADEP requests that the Board modify "the schedule to allow an additional fourteen(14) days for [MADEP] to complete the filing of its Petition * * * as well for Region 1's response thereto." Assented-To Scheduling Motion (filed Sept. 18, 2008). In its motion, MADEP explains that the "extension of time is necessary

and appropriate due to the timing of issuance of the Permit and will enable an orderly disposition of the matter." *Id.*

Both the District and MADEP request that the Board modify the schedule for the petition process and allow each of them until October 8, 2008, to submit their supplemental briefs, and allow the Region until December 5, 2008, to file its responses to each of the petitions.

Upon consideration, the Board grants the District's and MADEP's request. MADEP and the District must file their supplemental briefing on or before Wednesday, October 8, 2008. Supplemental briefing must be limited to addressing the terms and conditions already identified by each party in its preliminary/initial petition. The Region must file its response to each of these petitions on or before December 5, 2008.

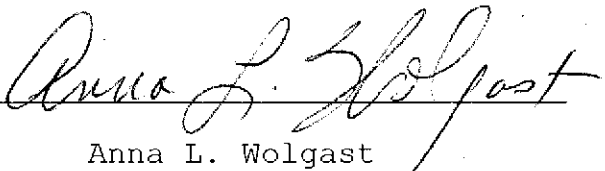
So ordered.

ENVIRONMENTAL APPEALS BOARD

Dated:

September 23, 2008

By:



Anna L. Wolgast
Environmental Appeals Judge

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing Order Granting Extension of Time to Supplement Petition and File Response in the matter of Upper Blackstone Water Pollution Abatement District, NPDES Appeal Nos. 08-11 & 08-12, were sent to the following persons in the manner indicated:

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and via fax:**

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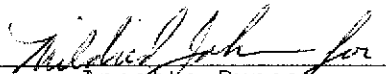
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Dated: SEP 23 2008


Annette Duncan
Secretary