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2008 DEC -04 AM 10:14

ENVIRONMENTAL APPEALS BOARD

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December 3, 2008

By Express Delivery

Ms. Eurika Durr
Clerk of the Board
U.S. Environmental Protection Agency
Environmental Appeals Board
1341 G Street, N.W., Suite 600
Washington, D.C. 20005

RE: NPDES Permit No. MA0039853
Wayland Wastewater Management District Commission Treatment Plant

Dear Ms. Durr:

As we discussed by phone this morning, I am enclosing hard copies of documents, some of which I also attempted to file as pdf files via the CDX system.

The first set of documents amend the petition to appeal the above-referenced permit that I sent on November 26, 2008. Evidently, pages 5 and 6 (previously transmitted by fax) were inadvertently omitted from the original filing. Page 13 is a replacement page for the original page 13 that repeated two paragraphs that appeared above page 13. As instructed, I am also enclosing a copy of the original as submitted in which these pages are to be inserted. All of these pages present background and do not affect the substance of the petition to review. (Enclosure 1)

In addition, I am enclosing three documents concerning attempted by hand delivery on Friday, November 28: a copy of the shipping record that identifies the packet as Fedex No. 796145695022, a copy of the Fedex tracking record that showed

that Fedex attempted to deliver the filing package on Friday, November 28, 2008 at 10:14 am, and my own affidavit. (Enclosure 2)

The URL for the tracking record is:

http://www.fedex.com/Tracking/Detail?ftc_start_url=&totalPieceNum=&backTo=&template_type=print&cntry_code=us&language=english&trackNum=796145695022&pieceNum=

or: <http://tinyurl.com/6klv7z>

The package was properly address to:

Clerk of the Board, Env. Appeals
US Environmental Protection Agency
1341 G St NW Suite 600,
Washington , DC 2005

The Fedex notation concerning attempted delivery at 10:14 am states:

“Exception, Business Closed.”

According to my December 2, 2008, telephone conversation with Fedex tracking personnel (recounted in affidavit), this notation means that Fedex attempted delivery on October 28 at 10:14 am but found the business closed. You informed me by phone both before I filed and again today that the Board was indeed open for business on Friday, November 28. I cannot explain why Fedex was unable to deliver the package on November 28 as recorded in their tracking summary. As a precaution and to provide verification of these events, I have provided my own affidavit concerning these communications with Fedex with this mailing.

Thank you for your help and attention.

Sincerely,



Deirdre C. Menoyo

CC: Robert Varney, Regional Administrator
US EPA, Region 1

Glenn Haas, Director
Division of Watershed Management, MAD