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DEIRDRE C. MENOYO
ATTORNEY AT LAW
FAX

388 WILLIS ROAD
SUDBURY, MA 01776

TO: Clerk of the Board, Environmental Appeals Board

CC: Ann Williams, Esq., EPA Region I

FROM: Deirdre C. Menoyo 

RE: Notice of deadline to appeal


DATE: November 14, 2008

Attached please find three pages: a two-page letter dated November 14, 2008 and a photograph of an EPA envelope for a mailing to Mr. Thomas Arnold, my client. The envelope is postmarked October 16. The certification of receipt appears to have been returned to the agency on 11.1.08. This mailing will be followed by hard copy.

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CIVIL APPEALS BOARD



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November 14, 2008

BY FACSIMILE, EMAIL AND U.S.P.S

U.S. Environmental Protection Agency
Clerk of the Board, Environmental Appeals Board (MC 1103B)
Ariel Rios Building
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460-0001

Ann Williams, Esq.
USEPA REGION 1
1 Congress Street
Suite 1100
Mail Code: FAA
Boston, MA 02114-2023

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

To the Clerk of the Environmental Appeals Board and Ms. Williams:

Although not required by law or regulation, I am writing to advise both Region I EPA and the Environmental Appeals Board that on or before November 28, 2008, I intend to file a petition on behalf of my client Thomas B. Arnold, requesting review of the above-referenced permit and contesting certain conditions. This letter is necessitated by a telephone conversation that I had late Thursday, November 13, with Ms. Anne Williams, an EPA Region I attorney, concerning her view of the "drop dead" date for filing an appeal.

Pursuant to 40 CFR 124.19(a), any person who filed comments on the draft NPDES permit may request Environmental Appeals Board review of the final permit. As further specified in 40 CFR 124.19(a), "The 30-day period within which a person may request review under this section begins with the service of notice of the Regional Administrator's action unless a later date is specified in that notice."

Mr. Arnold submitted pertinent, substantive comments in April 2006, two and one-half years ago, concerning the above-referenced NPDES permit. His comments were submitted within the comment period and are referenced in "The Response To Public Comments" which accompanied the issuance of this final permit. The final permit was signed by EPA on September 30, 2008. Notice was mailed to Mr. Arnold via certified mail on or after October 15, 2008. And, according to EPA Region I, service of same was accomplished on October 28, 2008 when Mr. Arnold's wife accepted delivery of same at the post office in his stead (Mr. Arnold was out of the country at the time). (The permit files reviewed by me on October 31, 2008 did not contain a receipt for Mr. Arnold.)

The EPA notice letter states, "Please note that appeals of NPDES permits must be filed with the Environmental Appeals Board within 30 days of receipt of notice (40 CFR 124.19(a))." In addition, an 8-page document entitled "Appealing NPDES Permits" was included in the Notice package. The first paragraph of that document states, "If you received notice of this permit via certified mail, the 30-day period begins on the date of receipt."

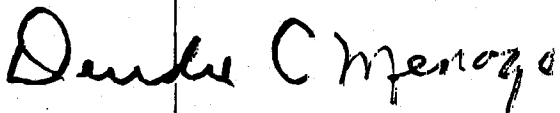
Thus, if Mr. Arnold's appeal is filed by November 28, 2008 it will fall well within the time allotted by regulation. (Assuming receipt on October 28 as reported by Region I, the date for filing would be November 27, a federal holiday.)

The purpose of this letter is to ensure that the above-referenced permit, currently scheduled to become effective on December 1, 2008, is not allowed to go into effect before all lawful and timely appeals have been considered.

This notice is being submitted electronically in the first instance because the conversation that makes it necessary took place Thursday, November 13, at 4:15 PM. If any other theory of the time for appeal is determined to apply, please consider this submission a request for an extension for good cause as described above.

Among other things, Mr. Arnold will argue that the permit does not require the permittee to meet Massachusetts water quality standards.

Sincerely,



Deirdre C. Menoyo

EPA

United States
Environmental Protection
Agency

Region
1 Congress Street, Suite 100
Boston, Massachusetts 02114-2021

Office Hours
Monday - Friday 9:00 AM - 5:00 PM
in EPA's Community Empowerment



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Handwritten: 1/14/08

Handwritten: 10/17/08
10/27/08
11/10/08

Handwritten: Thomas B. Hood
Creative Photography
20 Bedford Row
Sudbury, MA 01568

RE: NPDES Permit No. MA002860
Weymouth Wastewater Management District Commission Treatment Plant
to the Clerk of the Environmental Appeals Board and Mr. Williams:
Although not required by law or regulation, I am writing to advise both Region I EPA and
the Environmental Appeals Board that on or before November 25, 2008, I intend to file a
petition on behalf of my client Thomas S. Arnold, requesting review of the above
referenced permit and contesting certain conditions. This letter is necessitated by a
telephone conversation that I had late Thursday, November 13, with Ms. Anne Williams,
an EPA Region I attorney, concerning her view of the March date for filing an
appeal.

Pursuant to 40 CFR 124.19(a), any person who filed comments on the draft NPDES
permit may request Environmental Appeals Board review of the final permit. As further
specified in 40 CFR 124.19(a), the 90-day period within which a person may request
review under this section begins with the service of notice of the Regional
Administrator's action unless a later date is specified in that notice.