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January 18, 2013

### Via Electronic Filing

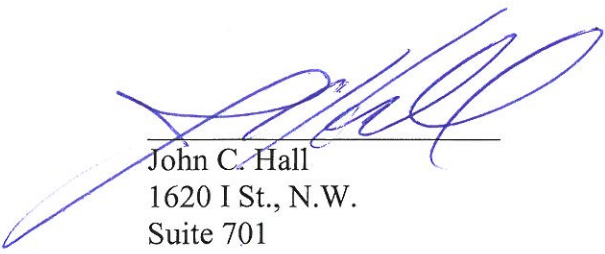
U.S. Environmental Protection Agency  
Clerk of the Board  
Environmental Appeals Board 1103M  
1200 Pennsylvania Avenue, N.W.  
East Building  
Washington, D.C. 20460-0001

**Re:   Town of Newmarket Wastewater Treatment Plant**  
**Permit Number: NH0100196**  
**Appeal Number: NPDES 12-05**

Dear Ms. Durr,

Please find the Petitioner's Request to Modify the Briefing Schedule and accompanying Certificate of Service regarding NPDES Appeal No. 05-12.

Sincerely,



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

_____	)	
In re:	)	
Town of Newmarket	)	
	)	
NPDES Permit No. NH0100196	)	NPDES APPEAL No. 12-05
_____	)	

**REQUEST TO MODIFY THE BRIEFING SCHEDULE**

Petitioners, the Great Bay Municipal Coalition (“the Coalition”), hereby file a request to the Environmental Appeals Board (“EAB” or “the Board”) to modify the briefing schedule set forth in the Board’s Order Denying Motion to File Supplemental Brief and Allowing Reply Briefs dated January 11, 2013. As set out in the Order, the Region’s response to the petition for review is due on February 8, 2013 and the Coalition’s reply to the Region’s response to the petition for review is due on February 22, 2013. For the reasons listed below, the Coalition requests the Board grant an additional week for both parties to file reply briefs.

During the two week period the Coalition has to reply to the Region’s response to the petition for review, Counsel has already made travel arrangements to be out of town over the President’s Day weekend (February 16 -18<sup>th</sup>). Counsel for the Petitioners also has several other matters in litigation that we are expecting a request for judicial conference during that period. In addition, EPA’s answer in the mandatory duties suit in D.C. District Court is due on February 19<sup>th</sup>. Depending on what is said in EPA’s answer, we may move for summary judgment. If

summary judgment is granted, it should result in remand of the Newmarket permit. If that happens, there is no reason for the Board to review the Newmarket permit.

Therefore, the Coalition requests that the Board allow one extra week to submit reply briefs for both parties making the Coalition's reply due by March 1st and EPA's sur-reply due by March 22nd. EPA does not object to a one week extension for both parties.

Respectfully submitted,



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Attorney for Petitioner

Date: 1/18/2013

## CERTIFICATION OF SERVICE

I hereby certify the copies the Petitioner's Request to Modify the Briefing Schedule in connection with NPDES Appeal No. 12-5, were sent to the following persons in the manner indicated:

By Electronic Filing:

Clerk of the Board  
U.S. Environmental Protection Agency  
Environmental Appeals Board 1103M  
1200 Pennsylvania Avenue, N.W.  
East Building  
Washington, D.C. 20460-0001

By First Class U.S. Mail:

Mr. Samir Bukhari  
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Date: 1/18/2013