



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

OCT 10 2007

ENVIRONMENTAL APPEALS BOARD

Carl Dierker, Director
Office of Regional Counsel
U.S. EPA, Region 1
1 Congress Street, Suite 1100
Boston, MA 02114-2023

Re: City of Keene
Permit Number: NH010079
Appeal Number: NPDES 07-18

Dear Mr. Dierker:

Enclosed is a petition dated September 27, 2007 (received by the Environmental Appeals Board on September 28, 2007) filed by Andrew W. Serell, Attorney, Rath, Young and Pignatelli, P.C., on behalf of the City of Keene, asking the Environmental Appeals Board to review a permit determination issued by the United States Environmental Protection Agency, Region 1.

To assist the Environmental Appeals Board in deciding whether the matters raised by the petitioner should be reviewed, please have your staff prepare a response that addresses the petitioner's contentions and whether the petitioner has satisfied the requirements for obtaining review under 40 C.F.R. §124.19(a). Include relevant portions of the administrative record with the response, together with a certified index of the entire administrative record. Please file an original (signed in blue ink) and five copies of these materials no later than November 26, 2007, and send a copy of the response and the certified index to the petitioner with a certificate of service showing the date and method of service.¹

¹The Environmental Appeals Board has an innovative system that allows parties to submit copies of documents, including exhibits, electronically in PDF. Instructions on registration and document submission are available by using the "Electronic Submission" link on the Board's website. Please note that, at the present time, electronic submissions will not be considered a substitute for filing an original document with the Clerk of the Board. The Clerk of the Board still must actually receive the original document by the document's due date in order for it to be timely filed. However, Agency offices and private parties that use this system for

All documents, including the materials due November 26, 2007, must reference the appeal number. **IMPORTANT:** In addition, any envelope or other packaging containing documents sent to the Environmental Appeals Board's mailing address or hand-delivery address, as prescribed below, must bear a complete and accurate return address in the upper left hand corner. The envelope or packaging must also clearly state the case name and appeal number in the lower left hand corner.

Mailing and Hand Delivery Instructions²

All documents that are sent through the U.S. Postal Service, Express Mail, hand-delivered, or sent via courier must include the name of the organization, address, facsimile number, telephone number, and an email address, if available.

Documents that are sent through the U.S. Postal Service (except by Express Mail) **MUST** be addressed to the Environmental Appeals Board's mailing address:

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

Documents that are sent to the Environmental Appeals Board's hand-delivery address (below) through the U.S. Postal Service (except by Express Mail) will be returned to the sender and shall not be considered as filed.

Documents that are hand-carried in person, delivered via courier, mailed by Express Mail, or delivered by a non-U.S. Postal Service carrier (e.g., Federal Express or UPS) **MUST** be delivered to:

U.S. Environmental Protection Agency
Clerk of the Board
Environmental Appeals Board

submitting electronic copies will be excused from the requirement to submit multiple paper copies with their original filing.

² The Environmental Protection Agency is experiencing delays in delivery of mail from the U.S. Postal Service. These delays are due to a new sterilization procedure applied to all U.S. Postal Service mail delivered to the federal government. Parties are encouraged to utilize non-U.S. Postal Service carriers and the Board's hand-delivery address when filing time-sensitive pleadings with the Board. Additional information regarding mail delivery to the Board is available on the Environmental Appeals Board website (www.epa.gov/eab) at the Clerk of the Board or Frequently Asked Questions.

1341 G Street, N.W. Suite 600
Washington, D.C. 20005

Documents that are hand-carried may be delivered to the Clerk of the Board from 8:30 a.m. to 12:00 p.m. and 1:00 p.m. to 4:30 p.m., Monday through Friday (excluding federal holidays).

A copy of this letter is being sent to the petitioner as notification of these filing requirements.

Thank you for your attention to these matters.

Sincerely,



Eurika Durr
Clerk of the Board

Enclosure

cc: w/o enclosure Andrew W. Serell
 Rath, Young and Pignatelli
 One Capital Plaza
 P.O. Box 1500
 Concord, NH 03302-1500

w/enclosure Linda M. Murphy, Director
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