

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

In the Matter of:)	
)	
Upper Blackstone Water)	NPDES Appeal Nos. 08-11
Pollution Abatement District)	through 08-18, & 09-06
)	
NPDES Permit No. MA 0102369)	
)	
)	

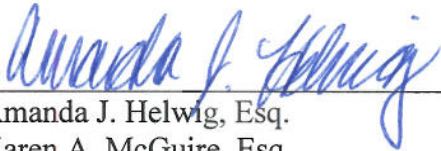
**RESPONSE OF THE REGION AND CONSERVATION LAW FOUNDATION TO THE
MOTION OF THE PERMITTEE TO CORRECT THE TRANSCRIPT**

The U.S. Environmental Protection Agency, Region 1 (“Region”) and the Conservation Law Foundation (“CLF”) respond to the motion of the permittee, the Upper Blackstone Water Pollution Abatement District (“the District”), to correct selected portions of the Environmental Appeals Board’s (“Board”) transcript of the oral argument in this matter, as follows:

1. In its motion, the District submits that it has compared the official transcript of the oral argument to a video recording obtained from the Board pursuant to a FOIA request. *See Permittee’s Motion* at 2. Based on its comparison, the District seeks that the Board amend selected statements of the Court and counsel for the District. *See Permittee’s Motion* at Attachment 1.
2. The official transcript in this matter should represent an accurate version of the entire proceedings before the Board, not simply those selected portions that one party believes merit correction.

3. Upon review of the transcript, counsel for the Region and CLF agree that there appear to be a number of typographical errors and fragmented sentences throughout the transcript (not simply in the portions the District seeks to correct). As four months have now passed since the date of the argument, however, we cannot verify the accuracy of the District's proposed corrections without access to the videotape.
4. Moreover, the Region and CLF respectfully suggest that the Board entertain corrections to the entire transcript rather than the District's piecemeal approach. Such a comprehensive review and correction could be accomplished by providing the Region and CLF access to the video and a limited time frame to provide additional proposed corrections and to verify the District's corrections. Alternatively, the Board could designate a third-party to review the video and make the corrections.

Respectfully submitted,



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Dated: 3/9/10

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CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing Response of the Region and Conservation Law Foundation to the Motion of the Permittee to Correct the Transcript, in connection with NPDES Appeal Nos. 08-11, 08-12, 08-13, 08-14, 08-15, 08-16, 08-17, 08-18, and 09-06, were sent to the following persons in the manner indicated:

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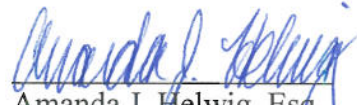
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