

ENCLOSURE 2

Record of attempted delivery by Fedex on November 28.

From: Origin ID: AYE (978) 369-1991
CONNIE LEVINSON
ALPHAGRAPHICS
192 SUDBURY ROAD



JCL511288/2823

CONCORD, MA 01742

Ship Date: 26NOV08
ActWgt: 36.0 LB
CAD: 2523908/INET8091
Account#: S *****

Delivery Address Bar Code

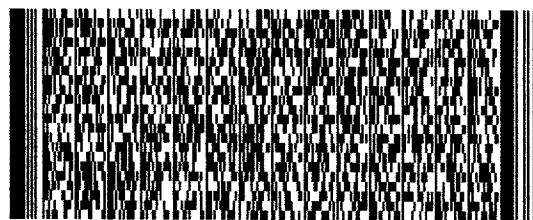


Ref # Invoice
Invoice #
PO #
Dept #

SHIP TO: (202) 233-0122 BILL SENDER
Clerk of the Board, Env. Appeals
U.S. Environmental Protection Agency
1341 G ST NW STE 600

WASHINGTON, DC 20005

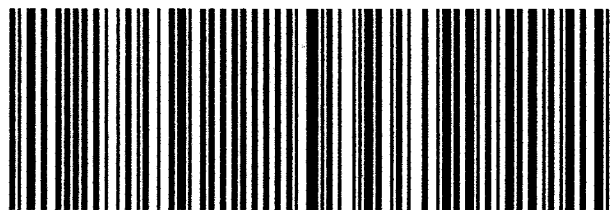
FRI - 28NOV A1
STANDARD OVERNIGHT



PK# 7961 4569 5022
0201

ZD JPNA

20005
DC-US
DCA



After printing this label:

1. Use the 'Print' button on this page to print your label to your laser or inkjet printer.
2. Fold the printed page along the horizontal line.
3. Place label in shipping pouch and affix it to your shipment so that the barcode portion of the label can be read and scanned.

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*Re Petition for Review
NPDES Permit No. MA0039
835
MAILING RECORD*

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Detailed Results

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Tracking number 796145695022
Signed for by S.KROLICOWSKI
Ship date Nov 26, 2008
Delivery date Dec 1, 2008 12:32 PM

Reference
Destination WASHINGTON, DC
Delivered to Receptionist/Front Desk
Service type Standard Overnight
Weight 36.0 lbs.

Status Delivered

Signature image available [Yes](#)

Date/Time	Activity	Location	Details
Dec 1, 2008 12:32 PM	Delivered	WASHINGTON, DC	
6:53 AM	On FedEx vehicle for delivery	WASHINGTON, DC	
Nov 28, 2008 10:14 AM	Delivery exception	WASHINGTON, DC	Holiday - Business closed ←
7:27 AM	At local FedEx facility	WASHINGTON, DC	
Nov 27, 2008 3:55 AM	Departed FedEx location	NEWARK, NJ	
4:53 AM	Departed FedEx location	NEWARK, NJ	
Nov 26, 2008 11:48 PM	Arrived at FedEx location	NEWARK, NJ	
8:30 PM	Left FedEx origin facility	FRAMINGHAM, MA	
4:59 PM	Picked up	FRAMINGHAM, MA	
1:53 PM	Package data transmitted to FedEx		

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Your name: _____

Your e-mail address: _____

E-mail address	Language	Exception updates	Delivery updates
_____	English	<input type="checkbox"/>	<input type="checkbox"/>
_____	English	<input type="checkbox"/>	<input type="checkbox"/>
_____	English	<input type="checkbox"/>	<input type="checkbox"/>
_____	English	<input type="checkbox"/>	<input type="checkbox"/>

Select format: HTML Text Wireless

Add personal message: _____

Not available for Wireless or non-English characters.

*Fed ex Tracking page
 for submission of
 Petition for Review of
 NPDES Permit 12/3/08 12:18 PM
 No. MA0039835*

Affidavit of Deirdre C. Menoyo

1. My name is Deirdre C. Menoyo. I am an attorney in Massachusetts,
2. I represent Thomas B. Arnold who has petitioned the Environmental Appeals Board to review NPDES Permit No. MA00039853 for the Wayland Wastewater Management District Commission Treatment Plant.
3. On November 26, 2008, I placed in the mail by Fedex six copies of the petition with exhibits addressed to the Environmental Appeals Board at 1341 G Street, Suite 300 for delivery the day after Thanksgiving, November 28, 2008.
4. I expected the Board to be open that day, based on a prior inquiry to the Clerk by telephone.
5. On Monday, December 1, 2008, I reviewed the tracking record of the parcel.
6. The Fedex tracking record shows an attempted delivery to the G Street address at 10:14 AM, Friday, November 28m 2008. It included the following detailed notation: Holiday – business closed.
7. The Fedex tracking record also shows actual delivery on December 1, 2008 at 12:32 PM.
8. In a telephone conversation with Fedex tracking personnel on December 2, 2008, I was told that the notation meant that Fedex was unable to deliver the package on the preceding Friday, November 28, because the business was closed.

The facts stated in this affidavit are true and correct to the best of my knowledge and belief, and are based on personal knowledge.

Signed under the pains and penalties of perjury this 3rd day of December, 2008.



Deirdre C. Menoyo