

# VERMONT LAW SCHOOL

Environmental and Natural Resources Law Clinic

SEP 21 11 59

APPEALS BOARD

September 21, 2009

Eurika Durr  
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

**Re: Upper Blackstone Water Pollution Abatement District  
NPDES Appeal Nos. 08-11 through 08-18, & 09-06  
NPDES Permit No. MA 0102369**

Dear Ms. Durr:

In connection with the above-docketed permit appeals, please find for filing Petitioner Conservation Law Foundation's *Opposition to Upper Blackstone Water Pollution Abatement District's Motion to Continue the Oral Argument Date and for Supplemental Briefing* with attached *Certificate of Service*.

Electronic copies of Conservation Law Foundation's submission will also be filed via the CDX filing system.

Thank you for your assistance in this matter.

Sincerely,



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enclosures

cc: Recipients listed on enclosed Certificate of Service

151 E.P.A.  
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ENVIRONMENTAL APPEALS BOARD

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

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

**CONSERVATION LAW FOUNDATION'S OPPOSITION TO UPPER  
BLACKSTONE WATER POLLUTION ABATEMENT DISTRICT'S MOTION  
TO CONTINUE THE ORAL ARGUMENT DATE AND FOR SUPPLEMENTAL  
BRIEFING**

The Conservation Law Foundation (CLF) opposes the motion of the Upper Blackstone Water Pollution Abatement District (District) to Continue the Oral Argument Date for an additional 30 days. The District argues that it needs more time in order to enable supplemental briefing related to *In re: City of Attleboro, MA, Wastewater Treatment Plant*, NPDES Appeal No. 08-08. EPA Region I has filed a motion opposing the District's request for a continuance.

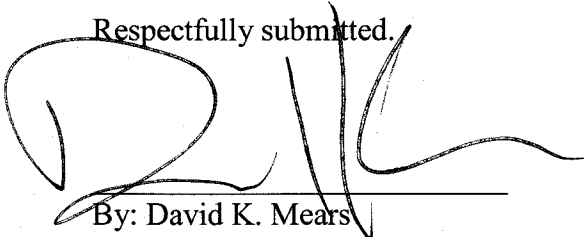
CLF joins the Region in opposing the District's motion. Further briefing is not likely to narrow issues or to facilitate orderly and expeditious disposition of the matter. The Board has already postponed the argument date once in this matter in order to ensure that the parties had sufficient time to review the *Attleboro* decision.

For its part, CLF does not require additional time to digest the *Attleboro* decision. Also, in light of the fact that the Blackstone River and downstream receiving waters are continually being impaired by discharges from the District's treatment facility, an

extension of time for additional briefing related to issues raised in the *Attleboro* decision is not prudent. For these reasons, further postponement of the hearing to allow additional briefing is not necessary in this matter. As the Region has suggested, should the Board require additional briefing on discrete issues related to the *Attleboro* decision, the Board can make such a request of the parties following oral argument.

For the foregoing reasons, CLF respectfully requests that the Board deny the District's request motion for a continuance.

Respectfully submitted,



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Dated: September 21, 2009

## CERTIFICATE OF SERVICE

I, David K. Mears, hereby certify that copies of the foregoing *Opposition to Upper Blackstone Water Pollution Abatement District's Motion to Continue the Oral Argument*, in connection with the NPDES Appeal Numbers 08-11 through 08-18, and 09-06, were sent to the following recipients by U.S. First Class Mail Postage Prepaid:

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A handwritten signature in black ink, appearing to read 'DKM', written over a horizontal line.

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