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July 10, 2015

VIA EAB eFILING SYSTEM

Ms. Eurika Durr
Clerk of the Board
U.S. Environmental Protection Agency
Environmental Appeals Board
1200 Pennsylvania Avenue, N.W.
Mail Code 1103M
Washington, D.C. 20460-0001

**Re: Appeal No. 15-08 – NPDES Permit No. MA0100897
Joint Unopposed Motion to Modify the Filing Deadlines for
Upcoming Motions/Responses/ Replies**

Dear Ms. Durr:

Attached please find for filing, the Joint Unopposed Motion to modify the filing deadlines for upcoming motions/responses/ replies in the above-captioned appeal. Thank you for your assistance with this filing.

Very truly yours,



Philip Rosenman

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

_____)	
In re:)	
)	
City of Taunton)	NPDES Appeal No. 15-08
Department of Public Works)	
)	
Permit No. MA0100897)	
_____)	

**JOINT UNOPPOSED MOTION TO MODIFY THE RESPONSE AND REPLY
DEADLINES FOR PETITIONER’S MOTION TO SUPPLEMENT THE
ADMINISTRATIVE RECORD AND MOTION TO APPOINT A TECHNICAL
ADVISOR/EXPERT AND MOTION TO SET THE DEADLINES FOR EPA’S MOTION
TO STRIKE**

Pursuant to 40 C.F.R. § 124.19(g), the Parties submit this joint unopposed motion to modify the Response/Reply deadlines associated with the two motions recently filed by Petitioner, City of Taunton – Motion to Supplement the Administrative Record and Motion to Appoint a Technical Advisor/Expert, and to schedule a filing date for EPA’s anticipated Motion to Strike. In support of this Motion, the parties aver the following:

1. On July 8, 2015, the City of Taunton filed its Motion to Supplement the Administrative Record. On July 9, 2015, the City of Taunton filed its Motion to Appoint a Technical Advisor/Expert.
2. July 9, 2015, EPA informed the City of Taunton that it intends to file an additional motion in connection with the City’s June 30, 2015 Reply, specifically a Motion to Strike the “Declaration of Benjamin Kirby,” which was included as Attachment 4 to the Reply.

3. Under EAB rules, EPA's Responses to the City's motions would both be due on Monday, July 27, 2015. *See* 40 C.F.R. § 124.19(f)(3); 40 C.F.R. § 124.20. In turn, the City of Taunton's Replies would be due thirteen (13) days following submission of EPA's Responses. *See* 40 C.F.R. § 124.19(f)(4); 40 C.F.R. § 124.20. The parties' respective filings related to EPA's Motion to Strike would likewise be subject to this procedural framework.

4. The Parties seek to modify the deadlines described above, and to schedule a filing date for EPA's Motion to Strike, in the following manner:

- EPA's Response to the Motion to Supplement the Record and the Motion to Appoint a Technical Advisor/Expert, and its Motion to Strike, will all be due on or before **Thursday, August 6th, 2015**.
- The City of Taunton's Reply to its Motion to Supplement the Record and Motion to Appoint a Technical Advisor/Expert will both be due on or before **Wednesday, August 19th, 2015**.
- The City of Taunton's Response to EPA's Motion to Strike will be due on or before **Wednesday, September 9, 2015**, and EPA's Reply will be due on or before **Wednesday, September 30, 2015**.

5. There is good cause to grant this motion and revise the deadlines in the manner set forth above. As noted at the outset of this motion, the Parties have conferred and agree on this schedule. Further, City of Taunton represents that both of its counsel are scheduled to be on vacation during the end of July and early August, which is precisely the time when the City of Taunton would need to be reviewing EPA's responses and drafting/filing replies on the administrative record and technical expert motions. Accordingly, the proposed revised schedule does not provide any additional time for the City of Taunton to file its Replies on these two motions; it simply seeks to have EPA's Responses deferred to when the City's counsel will be back in the office. Additionally, these filings will likely overlap as to subject matter, so it is reasonable to coordinate filing deadlines. Finally, the City of Taunton seeks a fifteen (15) day

extension on filing its Response to EPA's Motion to Strike in light of an appellate brief its counsel must file in *CRR v. EPA* (D.C. Cir. 14-1150). In light of these personal conflicts, and undersigned counsel's obligations in other matters, the Parties submit that the revised deadlines are reasonable.

WHEREFORE, for the following reasons, the Parties respectfully request the Board to grant this Joint Unopposed Motion to modify the filing deadlines for upcoming motions/responses/replies in accordance with the schedule set forth above.

Respectfully submitted,

//s// Philip Rosenman
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//s// Samir Bukhari
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CERTIFICATE OF SERVICE

Undersigned hereby certifies that on this day, July 10, 2015, a copy of the foregoing Joint Unopposed Motion to modify the filing deadlines for upcoming motions/responses/ replies was served on the individuals identified below by U.S. first-class mail, postage pre-paid:

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Dated on the 10th day of July, 2015.

//s// John C. Hall
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