



**RHODE ISLAND  
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT**

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September 15, 2008

**VIA Overnight Federal Express**

U.S. Environmental Protection Agency  
Clerk of the Board, Environmental Appeals Board  
1341 G Street, N.W., Suite 600  
Washington, D.C. 20005

RE: In the Matter of: City of Attleboro, MA Department of Wastewater,  
NPDES Appeal Nos. 08-08 and 08-09  
NPDES Permit No. MA 0100595

Dear Sir/Madam,

Enclosed for filing in the above referenced matter, please find the original and five copies of Petitioner RIDEM's Motion for Leave to File a Reply Brief. Please do not hesitate to contact me at the number above should you have any questions or concerns about this filing. Thank you very much for your prompt attention to the enclosed.

Very truly yours,

Susan B. Forcier, Esq.

Enclosures

Cc: Samir Bukhari, Esq.  
Douglas H. Wilkins, Esq.

RECEIVED  
U.S. EPA.  
SEP 16 AM 9:56  
ENV. APPEALS BOARD

RECEIVED  
U.S. E.P.A.

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

SEP 16 AM 9:56  
FROM APPEALS BOARD

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In the Matter of: )  
)  
)

City of Attleboro, Massachusetts )  
Department of Wastewater )  
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NPDES Appeal Nos. 08-08 and 08-09  
NPDES Permit No. MA 0100595

**PETITIONER RHODE ISLAND DEPARTMENT OF ENVIRONMENTAL  
MANAGEMENT'S MOTION FOR LEAVE TO FILE A REPLY BRIEF**

NOW comes the Petitioner, Rhode Island Department of Environmental Management ("RIDEM" or "Petitioner"), and hereby moves this honorable Board for leave to file a short brief in reply to the responses of both the Permittee City of Attleboro ("Permittee" or "City") and Permitting Authority EPA Region 1 ("Region"). Petitioner has reviewed the lengthy Briefs submitted by both the Permittee and by the Region, and now seeks leave to submit a short reply in order to address the following limited points:

1. Refute claims in both The City's response as well as the Region's Memorandum that the issues raised in RIDEM failed to raise the issues below that it seeks to present on appeal.
2. Clarify misstatements of law and fact in both the City's Response and the Region's Memorandum, including the scope of the burden borne by RIDEM as Petitioner, and whether RIDEM's Petition carried that burden, and the timeliness and relevance of the data referenced in RIDEM's Petition.

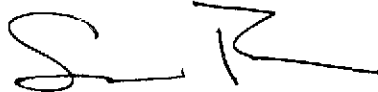
This motion comes just two weeks after receipt of the Region's 110 page Memorandum in Opposition to Petitions for Review on September 2, 2008, and of the Permittee's Response to

Petition for Review on August 29, 2008. During that time, RIDEM has reviewed each of those documents and has narrowed and focused those points on which it feels that a short reply brief would further assist the Board in gaining a clear understanding of all facts and issues surrounding this matter and in ultimately reaching a decision with regard to this Petition. Petitioner proposes to submit said reply brief by September 23, 2008, which is three weeks after receipt of the Region's Memorandum.

For the reasons identified herein, Petitioner respectfully requests that this motion for leave to submit a short Reply Brief be granted.

Respectfully submitted,

RHODE ISLAND DEPARTMENT OF  
ENVIRONMENTAL MANAGEMENT,  
By its Attorney,



Dated: September 15, 2008

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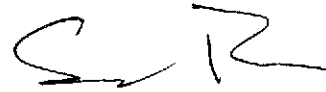
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**CERTIFICATE OF SERVICE**

I hereby certify that copies of the foregoing Motion to Submit Reply Brief were sent to the following individuals by first class mail, postage pre-paid on this 15<sup>th</sup> day of September, 2008:

Douglas H. Wilkins, Esq.  
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Samir Bukhari, Esq.  
Office of Regional Counsel  
U.S. EPA, Region 1  
1 Congress Street 1100 (RAA)  
Boston, MA 02114-2023



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