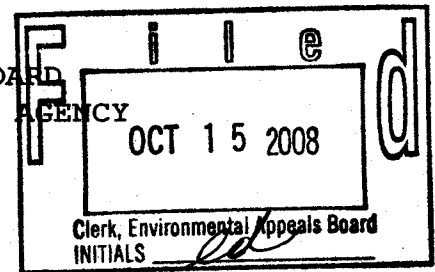


BEFORE THE ENVIRONMENTAL APPEALS BOARD
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C.



In re:)
)
City of Attleboro, MA)
Wastewater Treatment Plant) NPDES Appeal Nos. 08-08 & 08-09
)
Permit No. MA 0100595)
)

ORDER SCHEDULING ORAL ARGUMENT

On July 9, 2008, the permittee in the above-captioned matter, the City of Attleboro ("City") filed a petition with the Environmental Appeals Board ("Board") seeking review of several permit conditions in a National Pollutant Discharge Elimination System ("NPDES") permit decision issued jointly by the Massachusetts Department of Environmental Protection and U.S. EPA Region 1 (the "Region"). The NPDES permit authorizes the City to discharge wastewater effluent into the Ten Mile River, which flows into the State of Rhode Island. The Rhode Island Department of Environmental Management ("RIDEM") also filed a petition seeking review, on different grounds, of the same permit decision and the City has intervened in RIDEM's challenge.

Upon review of the briefs the parties have submitted, the Board has decided that oral argument will assist it in its deliberations on this matter. Accordingly, the parties are hereby requested to participate in oral argument beginning at 10:00 a.m.

EST on Thursday, December 18, 2008, in the Administrative Courtroom, U.S. Environmental Protection, EPA East Building, Room 1152, 1201 Constitution Avenue, N.W., Washington, D.C. The Board has allocated seventy (70) minutes total for this oral argument, divided as follows and in the following order: (1) 10 minutes for RIDEM; (2) 25 minutes for Attleboro; and (3) 35 minutes for the Region. At the outset of their arguments, RIDEM and the City may reserve up to five minutes of their time allocations for rebuttal.¹

The parties shall notify the Clerk of the Board in writing by December 4, 2008, of the names of counsel who will present argument. Counsel for any of the parties who wish to participate in this oral argument via the EPA video-conferencing equipment in the Administrative Courtroom shall contact the Clerk of the Board, at 202-233-0122, no later than December 4, 2008, to make arrangements for use of such equipment.

So ordered.

ENVIRONMENTAL APPEALS BOARD

By 

Edward E. Reich

Environmental Appeals Judge

Dated: 10/15/08

¹ Given the number of issues raised by the parties, the Board may issue another order narrowing the scope of the issues to be presented at oral argument or asking the parties to focus their presentation on certain aspects of the appeals.

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing Order Scheduling Oral Argument in the matter of City of Attleboro, MA - Wastewater Treatment Plant, NPDES Appeal Nos. 08-08 & 08-09, were sent to the following persons in the manner indicated:

**By Pouch Mail
and via fax:**


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Dated: OCT 15 2008


Annette Duncan
Secretary