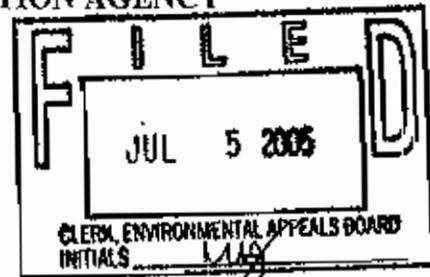


BEFORE THE ENVIRONMENTAL APPEALS BOARD
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C.



In re:)
Scituate Wastewater Treatment Plan)
NPDES Permit No. MA0102695)
_____)

NPDES Appeal No. 04-17

ORDER GRANTING MOTIONS TO FILE REPLY BRIEF AND SUR-REPLY BRIEF

Before the Board are two motions, one filed by Petitioner Town of Scituate and Scituate Wastewater Treatment Plant ("Scituate") and one filed by U.S. EPA Region I ("Region"), seeking additional briefing, as well as an opposition to one of those motions. Scituate, by motion filed June 17, 2005, seeks leave to file a brief in reply to the Region's response to Scituate's Petition for Review and has attached its proposed reply brief to its motion. On June 29, 2005, the Region filed with the Board an opposition to Scituate's motion for additional briefing. In the alternative, the Region moves for leave to file a proposed sur-reply brief, which it has attached, if additional briefing by Scituate is allowed by the Board.

In support of its motion, Scituate asserts that the Region's response to its Petition for Review "mischaracterizes the facts of this matter and raises new issues" and that additional briefing will allow Scituate to address these topics, which it contends "involve matters of important public policy consideration." In its opposition to Scituate's motion, the Region disputes Scituate's assertions. If additional briefing is allowed by the Board, however, the Region requests leave to file its sur-reply brief so that it can respond to issues and arguments that the

Region claims Scituate is now raising for the first time in its reply brief.

Upon consideration, we have determined to grant Scituate and the Region leave to file their reply and sur-reply briefs and thus deny the Region's opposition to Scituate's motion. We base our decision on the conclusion that additional briefing will aid the Board in considering the merits of Scituate's Petition for Review and that allowing the additional briefing at this time will not delay the Board's consideration of the Petition. By this decision, we express no opinion on the arguments raised by the parties in their reply briefs. However, we remind the parties that the Board's scope of review of these arguments will be limited to those issues raised in the Petition for Review. Moreover, no further briefing will be allowed except as requested by the Board.

Scituate is hereby granted leave to file its proposed reply brief, which is accepted for filing with no further action required by Scituate. In addition, the Region is hereby granted leave to file its sur-reply brief, which is accepted for filing with no further action required by the Region.

So ordered.

ENVIRONMENTAL APPEALS BOARD

Dated: JUL - 5 2005

By: 
Edward E. Reich
Environmental Appeals Judge

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing Order Granting Motions to File Reply Brief and Sur-Reply Brief in the Matter of Scituate Wastewater Treatment Plant, NPDES Appeal No. 04-17, were sent to the following persons in the manner indicated:

By First Class, U.S. Mail and facsimile:

Jeffrey T. Blake
Jason R. Talerman
Kopelman and Paige, P.C.
Town Counsel
31 St. James Avenue
Boston, MA 02116
fax: (617) 654-1735

By Pouch Mail and facsimile:

Jeffrey Fowley
Senior Assistant Regional Counsel
U.S. EPA, Region I
One Congress St.
Boston, MA 02114
fax: (617) 918-0094

Dated: JUL - 5 2005


Annette Duncan
Secretary