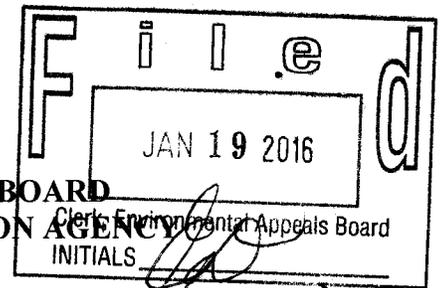


**BEFORE THE ENVIRONMENTAL APPEALS BOARD
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C.**



In re:)
)
)
Hudson River Park Trust) CWA Appeal No. 16-01
)
)
USACOE Public Notice NAN-1998-00290)
)

**ORDER TO SHOW CAUSE
WHY PETITION SHOULD NOT BE DISMISSED
FOR LACK OF JURISDICTION AND/OR FOR
FAILURE TO COMPLY WITH 40 C.F.R. PART 124**

On December 28, 2015, counsel for The City Club of New York, Robert Buchanan, and Tom Fox (collectively, Petitioners) filed a letter purporting to appeal the U.S. Environmental Protection Agency's withdrawal of comments EPA Region 2 submitted on the U.S. Army Corps of Engineer's Public Notice NAN-1998-000290, issued October 2, 2015. The Corps' notice sought public comments on proposed modifications to federal Clean Water Act and Rivers and Harbors Act permits held by the Hudson River Park Trust ("HRPT") that would authorize construction of "Pier 55," a nearly three-acre island in the Hudson River. EPA Region 2 submitted comments on November 4, 2015, but subsequently withdrew them and replaced them with other comments on November 24, 2015.

The Environmental Appeals Board adjudicates certain Clean Water Act and other federal permitting disputes in accordance with EPA regulations at 40 C.F.R. part 124. Petitioners have not referenced any of these regulatory provisions or other authorities to support their petition for review of EPA Region 2's actions in this case. Petitioners appear also to have failed to comply

with the procedural requirements of 40 C.F.R. § 124.19(a) and (d), which prescribe detailed content and form rules for briefs filed with the Board.

The Board therefore orders Petitioners to show cause why their petition should not be dismissed for lack of jurisdiction and for failure to comply with the requirements of 40 C.F.R. § 124.19(a) and (d). Petitioners must file their response to this order by **Monday, February 1, 2016**. EPA Region 2 may, if it so chooses, file a reply to Petitioners' response and must submit any such reply by **Friday, February 12, 2016**.

So ordered.

Dated: January 19, 2016

January 19, 2016

ENVIRONMENTAL APPEALS BOARD

By: *Mary Kay Lynch*

Mary Kay Lynch
Environmental Appeals Judge

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing **Order to Show Cause Why Petition Should Not Be Dismissed for Lack of Jurisdiction and/or for Failure to Comply with 40 C.F.R. Part 124** in the matter of *Hudson River Park Trust*, CWA Appeal No. 16-01, were sent to the following persons in the manner indicated:

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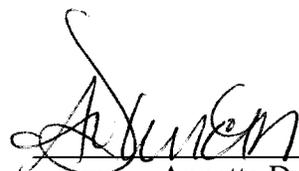
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 JAN 19 2016



Annette Duncan
Secretary