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



\_\_\_\_\_  
In re: )

City of Marlborough Westerly )  
Wastewater Treatment Facility )

NPDES Permit No. MA0100480 )  
\_\_\_\_\_ )

NPDES Appeal Nos. 05-05 & 05-09

\_\_\_\_\_  
In re: )

Town of Maynard Water Pollution )  
Control Facility )

NPDES Permit No. MA0101001 )  
\_\_\_\_\_ )

NPDES Appeal Nos. 05-06 & 05-12

\_\_\_\_\_  
In re: )

Town of Westborough Wastewater )  
Treatment Facility )

NPDES Permit No. MA0100412 )  
\_\_\_\_\_ )

NPDES Appeal Nos. 05-07 & 05-08

\_\_\_\_\_  
In re: )

Town of Hudson Wastewater )  
Treatment Facility )

NPDES Permit No. MA0101788 )  
\_\_\_\_\_ )

NPDES Appeal No. 05-11

**ORDER EXTENDING TIME TO FILE RESPONSES**

By Motion filed <sup>1</sup> on August 19, 2005, U.S. EPA Region I (the "Region") seeks an additional sixty days to file its responses to the petitions for review filed in the above-captioned matters. See Motion for Extensions of Time to File Response Briefs (Aug. 19, 2005) ("Motion"). The petitions have been filed by the Town of Westborough, the Town of Maynard, the City of Marlborough, and the Organization for the Assabet River. The petitions raise various objections to four permits issued by the Region authorizing discharges of treated wastewater effluent to the Assabet River in Massachusetts from four publically owned treatment facilities.

In support of the Motion, the Region cites to this Board's recent decision in *In re City of Marlborough Easterly Wastewater Treatment Facility*, NPDES Appeal No. 04-13 (EAB, Aug. 11, 2005), 12 E.A.D. \_\_\_\_\_. The Region states that:

The Board's Decision in *City of Marlborough* raises significant legal and policy considerations that the Region wants to carefully consider before responding to the [petitions in this matter]. Consideration of these issues will require coordination with the national offices of EPA, as well as the Massachusetts Department of Environmental Protection. This coordination process will take well beyond the August 29, 2005 filing deadline. In order to allow the process to be undertaken, the Region respectfully requests that the filing date for the Region's response be extended by 60 days to October 29, 2005.

The Region has notified each Petitioner of its intention to file a motion for extensions of time to file responses to the Petitions. The Organization for the Assabet River and the Town of Westborough have each reviewed and assented to the instant motion. The City of Marlborough has not assented to the motion. The Town of Maynard has not yet responded to messages left by the Region regarding the motion and, accordingly, has not assented to the motion.

Motion at 3.

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<sup>1</sup> Documents are "filed" with the Board on the date they are *received*.

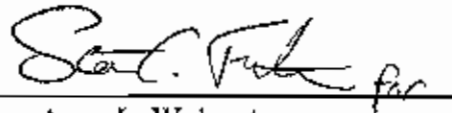
For good cause shown, the Motion is granted. The Region's response to the petitions in the above-captioned matter must now be filed with the Board no later than October 29, 2005.

So ordered.

Dated:

8/25/05

ENVIRONMENTAL APPEALS BOARD

A handwritten signature in cursive script, appearing to read "Sant. Volk", written over a horizontal line.

Anna L. Wolgast  
Environmental Appeals Judge

## CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing Order Extending Time to File Responses in the matters of City of Marlborough Westerly Wastewater Treatment Facility, NPDES Appeal Nos. 05-05 & 05-09; Town of Maynard Water Pollution Control Facility, NPDES Appeal Nos. 05-06 & 05-12; Town of Westborough Wastewater Treatment Facility, NPDES Appeal Nos. 05-07 & 05-08; and Town of Hudson Wastewater Treatment Facility, NPDES Appeal No. 05-11, were sent to the following persons in the manner indicated:

### By First Class Mail:

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### By Pouch Mail:

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### By Interoffice Mail:

Stephen Sweeney  
Office of General Counsel (2355A)

Date:

*August 25, 2005*

  
Annette Duncan  
Secretary