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December 21, 2012

Via Electronic Filing

Eurika Durr
Clerk of the Environmental Appeals Board
Environmental Appeals Board 1103M
1200 Pennsylvania Avenue, N.W.
East Building
Washington, D.C. 20460-0001

RE: Town of Newmarket Wastewater Treatment Plant Permit No.: NH0100196
EAB Appeal No.: NPDES 12-05 - Petitioner's Motion to Amend Response Deadlines

Dear Ms. Durr:

On December 19, 2012, the Environmental Appeals Board (“EAB” or “the Board”) sent a letter to Mr. Carl Dierker, Regional Counsel for EPA Region 1 (“Region 1” or “the Region”), informing Mr. Dierker of the Great Bay Municipal Coalition’s (“the Coalition”) Petition for Review of the Newmarket Wastewater Treatment Plant NPDES permit No. NH0100196 (“the Petition”) and the Coalition’s Motion to File Supplemental Comments by January 15, 2013 (“the Motion”). In addition, the December 19, 2012 letter announced dates by which the Region needs to file responses to the Petition (February 8, 2013) and the Motion to File Supplemental Comments (January 4, 2013). However, as explained below, there is an inherent conflict with the timing of the Board’s response deadlines for EPA and the Coalition’s contemplated supplemental comments. Accordingly, please consider this a motion to amend the response deadlines set forth in the Board’s December 19, 2012 letter.

This request centers on the Coalition’s Motion to File Supplemental Comments. In that Motion, the Coalition asked to be allowed to file its supplemental comments by January 15, 2013. However, EPA’s response to this Motion is not due to until January 4, 2013 and the EAB’s decision on the Motion would not be expected until sometime the next week. Consequently, if the EAB were to grant the Motion, as it has in other similar cases involving extensive records on highly technical information and regulatory studies, the Coalition might have less than a week to complete the amended filing. Accordingly, the Coalition requests that, if its Motion to File Supplemental Comments is granted, it be allowed 30 days from the Board’s decision to file its supplemental comments. Such a ruling would avoid the unnecessary waste of resources.

