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June 16, 2005

BY FEDERAL EXPRESS

Environmental Appeals Board  
 Colorado Building  
 1341 G Street, NW  
 Suite 600  
 Washington, D.C. 20005

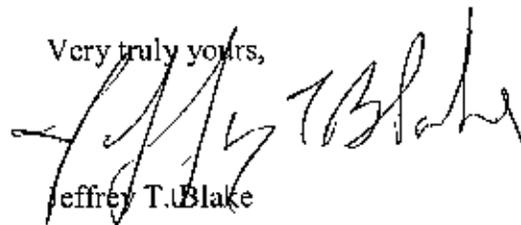
Re: Scituate Wastewater Treatment Plant  
NPDES Permit No. MA0102695

Dear Sir/Madam:

Enclosed in regard to the above matter, please find Motion For Leave to File a Reply Brief and Petitioner's Reply to EPA's Response.

Thank you for your courtesy and cooperation in this matter.

Very truly yours,



Jeffrey T. Blake

JTB/jmb

Enc.

cc: Board of Selectmen  
 Town Administrator  
 Jeffry Fowley, Esq.

252294/SCFF/0157

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2005 JUN 17 10 11 AM  
ENVIRONMENTAL APPEALS BOARD

In the Matter of:

SCITUATE WASTEWATER TREATMENT  
PLANT NPDES PERMIT NO. MA0102695

NPDES Appeal No. 04-17

**MOTION FOR LEAVE TO FILE A REPLY BRIEF**

Now comes the Petitioner, the Town of Scituate and the Scituate Wastewater Treatment Plant ("Petitioner" or "Town"), and hereby moves for leave to file a reply to the Response brief submitted by the United States Environmental Protection Agency ("Respondent" or "EPA") in the above captioned matter. Petitioner filed its Petition for Review on December 22, 2004. The Respondent filed its Response ("Response") on February 7, 2005. Subsequent to these filings, the parties agreed to stay the proceedings while a settlement attempt was made. Both parties, however, reserved the right to file a reply to each other's initial filings with the Board in the event that a settlement was not reached. On or about June 10, 2005, it became apparent that, due to the inflexibility of the EPA on certain critical issues relating to the Town's appeal, a settlement could not be reached, and the parties requested that the stay of proceedings be lifted and the litigation in this matter commence. Accordingly, the Petitioner now requests that the Board grant leave to file a reply to Respondent's Response in the above captioned matter. In support

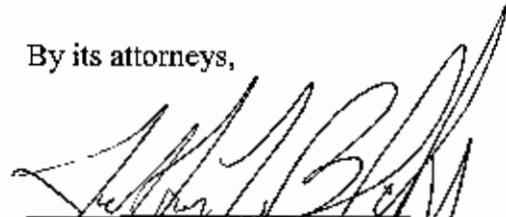
of this motion, Petitioner states that the EPA's Response mischaracterizes the facts and raises new issues that Petitioner did not previously have the opportunity to address.

Specifically, in its Response, the EPA has mischaracterized the extent of the comments submitted by the Town during the public hearings on the matter and now claims that the previous permit issued to the Petitioner was erroneously issued. As a result of these Responses by the EPA, the Petitioner requests leave to address these issues since said issues involve matters of important public policy consideration that Petitioner did not previously have an opportunity to address.

For further reasons therefor, the Petitioners rely upon the Reply Brief submitted herewith.

PETITIONER,

By its attorneys,



Jason R. Talcman (BBO# 567927)  
Jeffrey T. Blake (BBO# 655773)  
Kopelman and Paige, P.C.  
Town Counsel  
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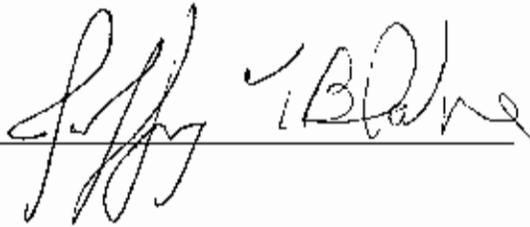
CERTIFICATE OF SERVICE

I, Jeffrey T. Blake, hereby certify that on the below date, I served a copy of the foregoing Motion For Leave to File a Reply Brief and Petitioner's Reply to EPA's Response, by first class mail, postage prepaid, to the following counsel of record:

Jeffry Fowley, Esq.  
Office of Regional Counsel  
U.S. EPA - Region I  
One Congress Street  
Boston, MA 02114

Dated: \_\_\_\_\_

6/16/05

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