

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

In re:)
)
 Granite Shore Power Merrimack LLC) NPDES Appeal No. 20-05
)
 NPDES Permit No. NH0001465)
)

**ORDER GRANTING CONSENT MOTION FOR EXTENSIONS OF TIME TO
 REPLY TO RESPONSES TO PETITION FOR REVIEW AND TO RESPOND TO
 MOTION TO STRIKE AND TO REPLY TO RESPONSE**

On October 21, 2020, Sierra Club, Inc. and Conservation Law Foundation, Inc. (“Petitioners”) filed a motion seeking a two-week extension of time, until November 9, 2020, to file (1) their reply to U.S. EPA Region 1 (“Region”) and the Permittee’s responses to the Petition for Review, and (2) their response to the Region’s Motion to Strike. *See* EPA Region 1 Motion to Strike Petitioners’ Attachments 36-41 to the Petition for Review (Sept. 25, 2020). Petitioners’ reply brief and any response to the Motion to Strike are currently due on or before October 26, 2020. *See* 40 C.F.R. §§ 124.19(f)(3); 124.20 (computation of time); Order Granting Consent Motion for Extension of Time and Increase Word Limits and Notifying the Parties of Electronic Service (June 16, 2020) (setting October 26, 2020, as the deadline for filing a reply brief). In support, Petitioners state that the extension is being requested “due to a serious family medical emergency of one of Petitioners’ attorneys.” Consent Motion for Extensions of Time to File: (i) Reply to Responses to Petition for Review; (ii) Response to Motion to Strike; and (iii) Reply to Response to Motion to Strike 1 (October 21, 2020) (“Consent Motion”). Petitioners represent

that the Region consents to the requested extensions and Permittee does not oppose the extensions. *Id.*

Petitioners further represent that the Region requests a corresponding extension of time until December 4, 2020, to file its reply to Petitioners' response to the Motion to Strike. *Id.* at 1; *see* 40 C.F.R. § 124.19(f)(4) (providing that a reply "must be filed within 10 days after service of the response"). According to Petitioners, the Region seeks additional time beyond the standard period for filing of a reply due to the Region's "need to coordinate with EPA Headquarters and the Thanksgiving holiday." Consent Motion at 1.

Based on the representations in Petitioners' motion, the Board **GRANTS** the Consent Motion for Extensions of Time. Petitioners' reply to the Region and the Permittee's responses to the Petition for Review must be filed with the Board on or before Monday, **November 9, 2020**. Any response by Petitioners to the Region's Motion to Strike must also be filed with the Board on or before Monday, **November 9, 2020**. Any reply by the Region to the Petitioners' response to the Motion to Strike must be filed on or before Friday, **December 4, 2020**.

So ordered.

ENVIRONMENTAL APPEALS BOARD

Dated: October 23, 2020

By:  _____

Aaron P. Avila
Environmental Appeals Judge

CERTIFICATE OF SERVICE

I certify that copies of the foregoing **ORDER GRANTING CONSENT MOTION FOR EXTENSIONS OF TIME TO REPLY TO RESPONSES TO PETITION FOR REVIEW AND TO RESPOND TO MOTION TO STRIKE AND TO REPLY TO RESPONSE** in the matter of Granite Shore Power Merrimack LLC, NPDES Appeal No. 20-05, were sent to the following persons in the manner indicated:

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Dated: October 23, 2020



Eurika Durr
Clerk of the Board