

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

	)	
In re:	)	
	)	
Granite Shore Power Merrimack LLC	)	NPDES Appeals No. 20-05, 20-06
	)	
NPDES Permit No. NH0001465	)	
	)	

**ORDER SETTING DEADLINE FOR RESPONSE TO MOTION FOR CONTINUANCE OF ORAL ARGUMENT DATE**

On February 3, 2021, EPA Region 1 (“Region”) filed a motion seeking a continuance of the scheduled oral argument date in NPDES Appeals Nos. 20-05 and 20-06 and an abeyance of this litigation for a period of sixty (60) days. Oral argument is currently scheduled for February 16, 2021. The Region requests this continuance and abeyance so that the EPA leadership under the new Presidential Administration, which took office on January 20, 2021, “can be briefed on the cases and the underlying action to determine the Agency’s position going forward in this matter.” EPA Region 1 Motion for Continuance of the Date for Oral Argument and Abeyance (February 3, 2021) (“Motion”). In support, the Region cites a recent executive order that directs federal agencies to review past EPA actions to determine if they are consistent with, among other things, the policy of “improv[ing] public health and protect[ing] our environment, and ensur[ing] access to clean air and water.” *See* Exec. Order No. 13,990, 86 Fed. Reg. 7037 (Jan. 25, 2021).

In its motion, the Region states that it has contacted counsel for the petitioners in Appeal No. 20-05, Sierra Club and Conservation Law Foundation, and the petitioner in Appeal No. 20-06, GSP Merrimack LLC, to ascertain their position on this motion. The Region reports that Sierra Club and the Conservation Law Foundation have “assented” to the motion but that GSP

Merrimack stated that it takes “no position on the motion at this time and reserves the right to file a response in accordance with the Board’s rules after the motion is filed.” Motion at 2.

In light of the motion and the nearness of the scheduled oral argument date, we **ORDER** GSP Merrimack to file a response to the motion as soon as possible but no later than **Monday, February 8, 2021**. If GSP Merrimack decides to oppose the motion, its response must include the grounds for its opposition.

So ordered.

**ENVIRONMENTAL APPEALS BOARD**

Dated: February 3, 2021

By:   
\_\_\_\_\_  
Aaron P. Avila  
Environmental Appeals Judge

**CERTIFICATE OF SERVICE**

I certify that copies of the foregoing **ORDER SETTING DEADLINE FOR RESPONSE TO MOTION FOR CONTINUANCE OF ORAL ARGUMENT DATE** in the matter of Granite Shore Power Merrimack LLC, NPDES Appeal Nos. 20-05 and 20-06, were sent to the following persons by email:

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Dated: February 3, 2021



Eurika Durr  
Clerk of the Board