

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

In the Matter of:)	
)	
City of Portsmouth, New Hampshire)	
)	NPDES Appeal No. 22-02
NPDES Permit No. NH0109000)	
)	

EPA MOTION FOR EXTENSION OF TIME

Pursuant to 40 C.F.R. § 124.19(f), Region 1 of the United States Environmental Protection Agency (“EPA”) hereby moves the Environmental Appeals Board (“Board”) for a 10-day extension of time, to October 21, 2022, to file its Response to the Petition Review in this matter. The grounds for this motion are as follows:

1. On August 8, 2022, EPA issued a National Pollutant Discharge Elimination System (“NPDES”) permit (“the Permit”) to the City of Portsmouth (“City”), authorizing discharges from the City’s Pease wastewater treatment facility to the Piscataqua River, in New Hampshire.
2. On September 7, 2022, the City timely filed a Petition for Review (“Petition”) with the Board requesting review of numerous conditions of the permit.
3. Under 40 C.F.R. § 124.19(b)(2), EPA’s response to the Petition, along with a certified index and relevant portions of the administrative record, is due within 30 days after service of the Petition. Because service of the Petition was provided to EPA via U.S. Mail, 3 days is added to the prescribed time. 40

C.F.R. § 124.20(d). Additionally, because the final day of the time period, Monday October 10th, falls on a legal holiday, the time period is extended to the next working day, or Tuesday, October 11th. 40 C.F.R. § 124.20(c).

4. A key EPA personal staff-member working on the Region's response has become unexpectedly unavailable to work on this matter.
5. EPA contacted Petitioner's counsel to ascertain its position on this motion. Petitioner's counsel has assented to this Motion.
6. To facilitate an orderly production of EPA's response to assist the Board in its deliberations, and to ensure that EPA's positions have been fully reviewed within the Region and Headquarters, EPA requests a 10-day extension of time, or Friday, October 21st, for EPA's response to petition.

For the reasons set forth above, and in the interest of promoting efficiency, EPA respectfully requests that the Board grant this Motion for an Extension of Time.

Dated: October 5, 2022

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Motion for Extension of Time, in connection with In re City of Portsmouth, NPDES Appeal No. 22-02, was sent to the following persons in the manner indicated:

By Electronic Filing:

Mr. Emilio Cortes
Clerk of the Board
U.S. Environmental Protection Agency
Environmental Appeals Board
1201 Constitution Avenue, NW
U.S. EPA East Building, Room 3332
Washington, DC 20004

By email, as authorized by the Board's standing order dated Sept. 21, 2020:

Attorneys for City of Portsmouth

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Dated: October 5, 2022

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