

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

In the Matter of:

City of Manchester

NPDES Permit No. NH0100447

NPDES Appeal No. 25-04

**MOTION FOR EXTENSION OF TIME**

Pursuant to 40 C.F.R. § 124.19(g),<sup>1</sup> Conservation Law Foundation (“Petitioner”) hereby moves the Environmental Appeals Board (“the Board”) for a thirty-day extension of time, until March 16, 2026, to reply to the Environmental Protection Agency’s (“the Region”) and the City of Manchester’s (“the City”) Responses to the Petition for Review (“Responses”) in the above-captioned matter.

The grounds for this motion are as follows:

1. On November 3, 2025, the Region issued a National Pollutant Discharge Elimination System (“NPDES”) Permit to the City (“the Permit”), authorizing discharges from the City’s wastewater treatment facility to the Merrimack River and other receiving waters.
2. On December 3, 2025, Petitioner timely filed its Petition for Review (“Petition”) with the Board. The Petition asserts that the Region legally erred and abused its discretion by, *inter alia*, (1) not conducting a reasonable potential analysis for PFAS, (2)

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<sup>1</sup> Parties must file motions for extensions of time sufficiently in advance of the due date to allow other parties to have a reasonable opportunity to respond to the request for more time and to provide the Environmental Appeals Board with a reasonable opportunity to issue an order. 40 C.F.R. § 124.19(g).

weakening benthic monitoring requirements contained in the draft permit, and (3) failing to analyze and consider environmental justice concerns. *See* CLF Petition for Review at 17-46 (NPDES Appeal No. 25-04).

3. On December 12, 2025, the Region – which pursuant to 40 C.F.R. 124.19(b)(2) was required to file a response no later than January 2, 2026 – filed a motion, to which CLF assented, for an extension of time to file its response to the Petition.
4. On December 16, 2025, the Board granted the Region an extension of time and directed the Region to file its response on or before January 30, 2026.
5. On December 26, 2025, the City – which pursuant to 40 C.F.R. 124.19(b)(3) also had a January 2, 2026 deadline for filing a response – filed a motion, to which CLF assented, for an extension of time to file a response to the Petition.
6. On December 30, 2025, the Board granted the City an extension of time and directed the City to file any response on or before January 30, 2026.
7. Pursuant to 40 C.F.R. § 124.19(c)(2), Petitioner may reply to the Region’s and the City’s Responses within fifteen days after service of the Responses. Here, if the Region and the City file their Responses on January 30, 2026, Petitioner’s deadline for replying will be February 14, 2026.
8. Because Petitioner will be replying to Responses from both the Region and the City, it will be necessary to dedicate more time and resources for replying than would be necessary if just one Response were filed.
9. A key member of Petitioner’s legal team will be on brief medical leave in early February. That key member of Petitioner’s legal team also has a major filing due in federal court in early March. Petitioner’s current Reply deadline, resulting from the

Region's and the City's extended Response deadlines, will constrain Petitioner's ability to prepare its Replies (or, possibly, a consolidated Reply).

10. To ensure that Petitioner has adequate time and resources to reply to the Region's and the City's Responses, Petitioner requests a thirty-day extension of time from the deadline of February 14, 2026, to March 16, 2026, to file Petitioner's Reply brief or briefs.

Pursuant to 40 C.F.R. § 124.19(f)(2), Petitioner contacted the Region's and the City's counsel to ascertain their positions on this motion. As communicated by their counsel, the Region assents to this motion, and the City has no objection.

For the reasons set forth above, Petitioner respectfully requests that the Board grant this Motion for Extension of Time.

Dated: January 14, 2026

Respectfully Submitted,

/s/ Thomas F. Irwin  
Thomas F. Irwin (NH Bar No. 11302)  
Jillian Aicher (MA BBO No. 716971)

CONSERVATION LAW  
FOUNDATION, INC.  
27 North Main Street  
Concord, NH 03301-4930  
62 Summer Street  
Boston, MA 02110  
603-573-9139  
617-850-1799  
[tirwin@clf.org](mailto:tirwin@clf.org)  
[jaicher@clf.org](mailto:jaicher@clf.org)

*Attorneys for Petitioner*

## **CERTIFICATE OF SERVICE**

I, Thomas F. Irwin, hereby certify that on January 14, 2026, I caused to be served a true and correct copy of the foregoing motion to the following persons, in the manner specified below:

By electronic filing to:

Tommie Madison  
Clerk of the Board  
U.S. Environmental Protection Agency  
Environmental Appeals Board  
1201 Constitution Avenue, NW  
WJC East Building, Room 3332  
Washington, DC 20004

By e-mail:

*For EPA*

Kristen Scherb, Esq.  
Kassandra Kometani, Esq.  
Cayleigh, Eckhardt, Esq.  
U.S. Environmental Protection Agency  
Office of Regional Counsel, Region 1  
5 Post Office Square  
Boston, MA 02109  
Tel: (617) 918-1044, (617) 918-1767, (617) 918-1852  
Email: [Eckhardt.cayleigh@epa.gov](mailto:Eckhardt.cayleigh@epa.gov)  
[Scherb.kristen@epa.gov](mailto:Scherb.kristen@epa.gov)  
[Kometani.kassandra@epa.gov](mailto:Kometani.kassandra@epa.gov)

*For City of Manchester*

Gregory H. Smith, Esq.  
Adam M. Dumville, Esq.  
McLane Middleton, Professional Association  
11 South Main Street, Suite 500  
Concord, New Hampshire 03301  
(603) 226-0400 Tel.: 603.625.6464  
[greg.smith@mclane.com](mailto:greg.smith@mclane.com)  
[adam.dumville@mclane.com](mailto:adam.dumville@mclane.com)

Date: January 14, 2026

/s/ Thomas F. Irwin  
Thomas F. Irwin