

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

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In re: )  
City of Manchester, New Hampshire )  
Conservation Law Foundation )  
Docket No. NH0100447 )  
Appeal No. NPDES 25-04 )  
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)

**MOTION BY THE CITY OF MANCHESTER FOR EXTENSION OF TIME TO FILE A  
RESPONSE TO CLF's PETITION**

Pursuant to 40 C.F.R. § 124.19(g)<sup>1</sup>, the City of Manchester, New Hampshire, (the “City”) by and through its attorneys McLane Middleton, Professional Association, moves that the Board grant a twenty-eight (28) day extension of time until January 30, 2026, to file the City’s reply to CLF’s Petition in the above captioned matter.

The grounds for the City’s Motion are as follows:

1. On November 3, 2025, EPA issued a National Pollutant Discharge Elimination System (“NPDES”) Permit to the City (the “Permit”), authorizing the City’s wastewater treatment facility to discharge to the Merrimack River and other receiving waters.
2. On December 3, 2025, CLF filed its Petition for Review with the Board. The Petitioner requests review of three issues related to the Permit decision.
3. The City’s reply to CLF’s petition would normally be due on January 2, 2026.

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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).

4. Due to the holiday season, counsel and key City personnel have had limited availability, which has constrained the City's ability to prepare its reply within the existing deadline.

5. Pursuant to 40 C.F.R. § 124.19(f)(2), the City has contacted EPA's and CLF's counsel to ascertain its position on this motion. EPA's counsel was contacted but did not receive a response. CLF's counsel has assented to this Motion.

6. For the reasons set forth above, the City respectfully requests that the Board grant this Motion for Extension of Time to January 30, 2026 to File a Response to CLF's Petition.

Respectfully submitted,

CITY OF MANCHESTER, NEW HAMPSHIRE

By its Attorneys,

McLANE MIDDLETON,  
PROFESSIONAL ASSOCIATION

Date: December 26, 2025

/s/ Adam Dumville

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## CERTIFICATE OF SERVICE

I, Adam M. Dumville, hereby certify that on this 26<sup>th</sup> day of December 2025, I served a copy of the foregoing Motion on the parties identified below by the Environmental Appeals Board electronic filing system, U.S. first-class mail, postage pre-paid and via electronic mail to:

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Dated on the 26<sup>th</sup> day of December 2025.

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