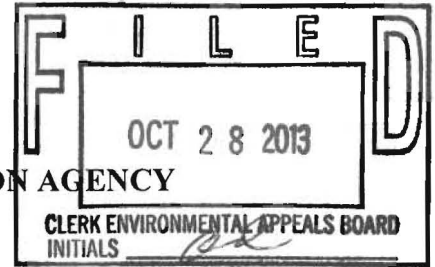


ENVIRONMENTAL APPEALS BOARD
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C.



_____)
In re:)
)
Town of Concord) NPDES Appeal No. 13-08
)
NPDES Permit No. MA0100668)
_____)

ORDER GRANTING SECOND MOTION FOR EXTENSION OF TIME

On October 23, 2013, the Environmental Appeals Board (“Board”) issued an order granting in part a motion for an extension of time to file a response to the petition for review in the above-captioned matter. Region 1 (“Region”) of the U.S. Environmental Protection Agency (“EPA”) had requested the extension of time to file its response due to a lapse in appropriations that partially shut down the U.S. government from October 1, 2013, through October 16, 2013. As the Board noted in its order, the majority of EPA was closed during the shutdown. Order Granting, In Part, Motion for Extension of Time and Establishing October 28, 2013, As New Deadline for Response to Petition at 1 (Oct. 23, 2013).

Prior to the shutdown, the Region’s deadline for filing a response to the petition for review was October 9, 2013. *Id.* at 1. The Region requested an extension of twenty-two days from the date of the reopening of the government, including thirteen additional days beyond those lost due to the shutdown, to file its response and associated documents. *Id.* at 2. The Board granted the Region an additional eleven days from the date of the government reopening to file its response, until October 28, 2013, noting that the Region’s motion lacked specificity regarding the circumstances described in its request. *Id.* at 2-3. However, the Board acknowledged that the Region appeared to be in the “triage stage” of startup and thus may not

have had a clear idea of exactly how much time it would need to file its response. *Id.* at 3.

Accordingly, the Board stated that it would “consider a further request for an extension of time from the Region, if it finds that it needs additional time beyond the 11 days and provides more specific information justifying such an extension.” *Id.*

In its pending motion the Region requests an additional three days to file its response, until October 31, 2013. The Region avers that the necessary reviews from both the Office of Water and the Office of General Counsel located at EPA headquarters cannot be completed before October 28, 2013, due to unavoidable schedule conflicts of certain reviewers, including the permit writer. Second Motion for Extension of Time to File Region 1's Response to Petition at 2-3 (Oct. 24, 2013). The Region also states that the Town of Concord does not object to the Region's requested extension.

For good cause shown, the Board hereby **GRANTS** the Region's motion. The Region must file its response and associated documents on or before **Thursday, October 31, 2013.**

So ordered.

ENVIRONMENTAL APPEALS BOARD

Date: *October 28, 2013*

By: *Kathleen A. Stone for Randolph L. Hill*
Randolph L. Hill
Environmental Appeals Judge

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing *Order Granting Second Motion for Extension of Time* in the matter of Town of Concord, NPDES Appeal No. 13-08, were sent to the following persons in the manner indicated:

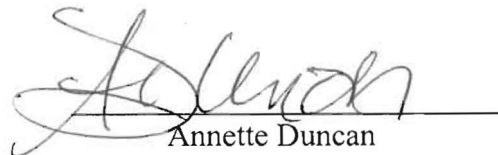
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Date: OCT 28 2013


Annette Duncan
Secretary