

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

	)	
In re:	)	
	)	
City of Keene	)	NPDES Appeal No. 21-03
	)	
NPDES Permit No. NH-0100790	)	
	)	

**ORDER GRANTING MOTION FOR EXTENSION OF TIME TO FILE REPLY BRIEF  
 AND ORDER EXTENDING DATE FOR FILING AMICUS BRIEFS**

On December 10, 2021, Petitioner City of Keene (“City”) filed an unopposed motion seeking an extension of time within which to file its reply brief. City of Keene Unopposed Motion for Extension of Time to File Reply Brief (Dec. 10, 2021) (“Motion”).

Regulations that govern the appeal of National Pollutant Discharge Elimination System permits provide that “petitioner may file a reply within 15 days after service of the response.” 40 C.F.R. § 124.19(c)(2). Pursuant to the scheduling order issued previously by the Environmental Appeals Board (“Board”) in this matter, the response by EPA Region 1 (“Region”) is due by December 15, 2021. *See* Order Granting Extension of Time for Filing Brief in Support of Petition for Review 2 (EAB Sept. 27, 2021). Accordingly, if the Region files and serves its response on December 15, 2021, the City’s reply would be due fifteen days later—December 30, 2021. The scheduling order also established December 30, 2021, as the deadline for any amicus briefs. *Id.*


The City requests that the deadline for filing its reply brief be moved from December 30, 2021, to January 6, 2022. Motion at 1. In support, the City points out that December 30 is “during the winter holidays” and states that several “key staff members and legal and technical professionals” will be unavailable during the week the reply brief is due. *Id.* Thus, the City asserts that it requires an extension of time in order to allow “sufficient time [to] review EPA’s response in full and provide a clear and comprehensive reply.” *Id.* at 2. The City represents that its motion is unopposed. *Id.*

Accordingly, based on the City’s representations, the Board **GRANTS** this motion. Any reply by the City to the Region’s response must be filed on or before **January 6, 2022**. In addition, in the interest of efficiency, we are also extending the deadline for the filing of any **amicus briefs to January 6, 2022**. *See* 40 C.F.R. § 124.19(n) (“the Environmental Appeals Board may do all acts and take all measures necessary for the efficient, fair, and impartial adjudication of issues arising in an appeal”).

So ordered.

**ENVIRONMENTAL APPEALS BOARD**

Dated: December 14, 2021

By:   
\_\_\_\_\_  
Mary Kay Lynch  
Environmental Appeals Judge

## CERTIFICATE OF SERVICE

I certify that copies of the foregoing **ORDER GRANTING MOTION FOR EXTENSION OF TIME TO FILE REPLY BRIEF AND ORDER EXTENDING DATE FOR FILING AMICUS BRIEFS** in the matter of *City of Keene*, NPDES Appeal No. 21-03, were sent to the following persons by electronic mail:

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Dated: Dec 14, 2021

*Annette Duncan*

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