

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

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In re:)	
)	
Granite Shore Power Merrimack LLC)	NPDES Appeal No. 20-05
)	
NPDES Permit No. NH0001465)	
)	

ORDER GRANTING CONSENT MOTION FOR EXTENSIONS OF TIME TO RESPOND TO MOTION TO STRIKE AND TO REPLY TO RESPONSE

On September 30, 2020, Sierra Club, Inc. and Conservation Law Foundation, Inc. (“Petitioners”) filed a motion seeking an extension of time to file a response to the Motion to Strike filed by U.S. EPA Region 1 (“Region”) on September 25, 2020. *See* EPA Region 1 Motion to Strike Petitioners’ Attachments 36-41 to the Petition for Review (Sept. 25, 2020). Any response to the Motion to Strike is currently due on or before October 13, 2020. 40 C.F.R. §§ 124.19(f)(3); 124.20 (computation of time). Petitioners have requested an extension until October 26, 2020, in order to align the deadline for filing their response to the Motion to Strike with the deadline to file their reply brief on the merits. *See* Order Granting Consent Motion for Extension of Time and Increase Word Limits and Notifying the Parties of Electronic Service (June 16, 2020) (setting October 26, 2020, as the deadline for filing a reply brief). In support, Petitioners maintain that granting the extension will “allow [Petitioners] to better coordinate their briefing of the procedural issue of whether the Board should consider Attachments 34 to 41 with their briefing of the substantive issue to which the attachments relate” and will “allow the Region to review Petitioners’ reply brief before preparing their reply to Petitioners’ response to the Motion to Strike.” Consent Motion for Extensions of Time to Respond to Motion to Strike and

to Reply to Response 2 (Sept. 30, 2020). Petitioners represent that the Region consents to the requested extension of time.

Petitioners further represent that the Region requests a similar extension of time to file its reply to Petitioners' response to the Motion to Strike. *Id.* at 1; *see* 40 C.F.R. § 124.19(f)(4) (providing that a reply "must be filed within 10 days after service of the response"). Petitioners consent to the Region's request.

Based on the representations in Petitioners' motion, the Board **GRANTS** the Consent Motion for Extensions of Time. Any response by Petitioners to the Region's Motion to Strike must be filed with the Board on or before Monday, **October 26, 2020**. Any reply by the Region to the Petitioners' response to the Motion to Strike must be filed on or before Monday, **November 16, 2020**.

So ordered.

ENVIRONMENTAL APPEALS BOARD

Dated: October 2, 2020

By: _____



Aaron P. Avila
Environmental Appeals Judge

CERTIFICATE OF SERVICE

I certify that copies of the foregoing **ORDER GRANTING CONSENT MOTION FOR EXTENSIONS OF TIME TO RESPOND TO MOTION TO STRIKE AND TO REPLY TO RESPONSE** in the matter of Granite Shore Power Merrimack LLC, NPDES Appeal No. 20-05, were sent to the following persons in the manner indicated:

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Dated: Oct 02 2020



Eurika Durr
Clerk of the Board