

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

)	
In the Matter of:)	
)	
Springfield Water and Sewer Commission)	
)	NPDES Appeal No. 20-07
)	
NPDES Permit No. MA0101613)	
)	

EPA MOTION FOR EXTENSION OF TIME

Pursuant to 40 C.F.R. §§ 124.19(f) and (g), Region 1 of the United States Environmental Protection Agency (“EPA”) hereby moves the Environmental Appeals Board (“Board”) for a 14-day extension of time to file its Response to the Petition for Review in this matter. The grounds for this motion are as follows:

1. On September 30, 2020, EPA issued a National Pollutant Discharge Elimination System (“NPDES”) Permit (“the Permit”) to the Springfield Water and Sewer Commission (“SWSC”), authorizing discharges from the Springfield Regional Wastewater Treatment Facility and from Combined Sewer Overflow (“CSO”) discharges at 24 locations to the Connecticut River, the Chicopee River, and the Mill River.
2. On October 30, 2020, SWSC timely filed a Petition for Review (“Petition”) with the Board requesting review of numerous conditions of the Permit. Specifically, SWSC challenged the following elements of the Permit:
 - a. The basis and method by which EPA imposed a total nitrogen limit;

- b. The removal of allowances for increased total nitrogen loadings for future activities;
- c. The duration of time afforded to meet the new total nitrogen limit;
- d. The inclusion and description of a nitrogen optimization requirement;
- e. The inclusion of satellite communities as co-permittees;
- f. The characterization of, and imposition of requirements relating to, secondary bypasses;
- g. The reclassification of Outfall 042 as a CSO;
- h. The imposition of certain public notification plan requirements;
- i. The prohibition of septage to the CSO during wet weather;
- j. The inclusion of certain Nine Minimum Control measurement and reporting requirements;
- k. The inclusion of Permit references to “dry weather”;
- l. The description of operation and maintenance requirements;
- m. The duration of time afforded to complete collection system mapping;
- n. The duration of time afforded to complete an operation and maintenance plan;
- o. The duration of time afforded to comply with pretreatment requirements;
- p. The decision not to provide an 18-month compliance schedule for new E. coli limits; and
- q. The procedure for imposing new phosphorous monitoring

requirements.

3. Under 40 C.F.R. §§ 124.19(b)(2) and 124.20, EPA's Response to the Petition, along with a certified index and relevant portions of the administrative record, is due within 30 days after service of the Petition, or December 2, 2020.
4. EPA's Response to the Petition is due four business days after the Thanksgiving holiday, and several key technical and legal staff members will be out of the office during all or part of the Thanksgiving week.
5. EPA's Response to the Petition will require consultation within Region 1, as well as with EPA's Office of General Counsel and Office of Water, prior to being finalized,¹ and this consultation period would fall within the few days before and after the Thanksgiving holiday.
6. EPA contacted Petitioner's counsel to ascertain its position on this motion. The parties have conferred and have decided that an extension of time is warranted. Petitioner's counsel has assented to this Motion.
7. To facilitate an orderly production of EPA's Response to the Petition to assist the Board in its deliberations, and to ensure that EPA's positions have been fully reviewed within the Region and Headquarters, EPA requests a 14-day extension of time, to December 16, 2020, to file EPA's Response to the Petition.

For the reasons set forth above, and in the interest of promoting efficiency, EPA respectfully requests that the Board grant this Motion for Extension of Time.

¹ See *Procedures for Coordination OE-OGC-Regions Environmental Appeals Board* (Jan. 25, 1993) (stating the importance of initiating consultation as early as possible with Headquarters offices and articulating EPA's long-standing policy that consultation typically occurs during the 30-day period following a petitioner's substantive filing).

Dated: November 9, 2020

Respectfully submitted,
U.S. EPA – Region 1

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Motion for Extension of Time, in connection with *In re Springfield Water and Sewer Commission*, NPDES Appeal No. 20-07, was sent to the following persons in the manner indicated:

By Electronic Filing:

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