

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

In the Matter of:
City of Holyoke Department of Public Works

NPDES Permit No. MA0101630

NPDES Appeal No. 24-01

EPA REGION 1'S MOTION TO CLARIFY THE REGION'S FILING DEADLINE

Pursuant to 40 C.F.R. § 124.19(f), EPA Region 1 (“the Region”) moves to clarify the deadline to file its Response to the Petition for Review, the Certified Index of the Administrative Record, and the relevant portions of the Administrative Record (“filing deadline”). The Region has ascertained that Petitioner assents to the Motion. *See* 40 C.F.R. § 124.19(f)(2).

The Region requests the Board grant the Motion and issue an Order clarifying the Region’s filing deadline for the reasons set forth herein:

1. The Region must file, *inter alia*, its response to a petition for review within 30 days after the service of a petition. 40 C.F.R. § 124.19(b)(2).
2. Upon information and belief, Petitioner has not, as of the time of this filing, served the Region with Petitioner’s Petition for Review, as is required by 40 C.F.R. § 124.19(i)(3)(ii).
3. Petitioner has not, as of the time of this filing, filed with the Board a Certificate of Service of the Petition, as is required by 40 C.F.R. § 124.19(i)(4).

4. On March 5, 2024, the Board issued an Order Accepting the Petition for Review (“Order”) and served the Region with the same.¹ *See* Order Accepting Petition for Review.
5. The Region first received the Petition as an attachment to the Order on March 5, 2024. *See* Order Accepting Petition for Review.
6. Under these circumstances, the Region understands its filing deadline to be 30 days after March 5, 2024, that is: April 4, 2024.

For the reasons stated herein, the Region respectfully requests the Board grant the motion and clarify the Region’s filing deadline, along with any additional relief the Board deems appropriate.

Respectfully submitted,

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Dated by electronic signature

¹ In its Order, the Board addressed the timeliness of the Petition. The Order did not address Petitioner’s omission of a certificate of service required under 40 C.F.R. § 124.19(i)(4). Likewise, the Order did not address the actual lack of service required under 40 C.F.R. § 124.19(i)(3)(ii), as the Region was at that time unaware of the Petition and thus unable to notify the Board of such error.

CERTIFICATE OF SERVICE

I hereby certify that on the date indicated below a copy of the foregoing Motion to Clarify the Region’s Filing Deadline, in connection with *In re City of Holyoke Department of Public Works*, NPDES Appeal No. 24-01, was sent to the following persons in the manner indicated:

By electronic filing:

Mr. Emilio Cortes
Clerk of the Board
U.S. Environmental Protection Agency
Environmental Appeals Board
1201 Constitution Avenue, NW
U.S. EPA East Building, Room 3332
Washington, DC 20004

By email, as authorized by the Board’s standing order dated Sept. 21, 2020:

Attorney for Petitioner

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