

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

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

**CONSENT MOTION FOR EXTENSIONS OF TIME TO FILE:
(i) REPLY TO RESPONSES TO PETITION FOR REVIEW; (ii) RESPONSE TO
MOTION TO STRIKE; AND (iii) REPLY TO RESPONSE TO MOTION TO STRIKE**

Sierra Club, Inc. and Conservation Law Foundation, Inc. (“Petitioners”) hereby respectfully move the Environmental Appeals Board (“Board”) for a two-week extension of time, until November 9, 2020, for them to file (i) their reply to the Region’s and Permittee’s responses to the Petition for Review, and (ii) their response to the *EPA Region 1 Motion to Strike Petitioners’ Attachments 36 - 41 to the Petition for Review* (Dkt. # 12; hereinafter, “Motion to Strike”). This extension is requested due to a serious family medical emergency of one of Petitioners’ attorneys. The Region consents to the requested extension. The Permittee does not oppose the requested extension.

Further, the Region requests an extension of time until December 4, 2020, to file its reply to Petitioners’ response to the Motion to Strike, due to the Region’s need to coordinate with EPA Headquarters and the Thanksgiving holiday. Petitioners consent to that request.

BACKGROUND

1. On June 16, 2020, the Board issued an order granting a consent motion and establishing the follow briefing schedule: Petition for Review due July 27, 2020; Oppositions due September 25, 2020; Reply due October 26, 2020. See *Order Granting Consent Motion for*

Extension of Time and an Increase Word Limits and Notifying the Parties of Electronic Service
(Dkt. #3).

2. On July 27, 2020, Petitioners filed their Petition for Review and 43 attachments
(Dkt. ## 4, 5).

3. On September 25, 2020, the Region and the Permittee filed their oppositions to
the Petition for Review. (Dkt. ## 11, 13).

4. On that same date, the Region also filed the Motion to Strike. (Dkt. # 12).

5. On October 15, 2020, the Board granted a consent motion filed by Petitioners to
extend their date for responding to the Motion to Strike until October 26, 2020, to align that
deadline with the deadline for the reply to the responses to the Petition for Review, and to extend
EPA's deadline to reply to the response to the Motion to Strike to November 16, 2020. (Dkt. #
15).

REASONS FOR GRANTING THE REQUESTED EXTENSIONS

On October 20, 2020, an immediate family member of one of the attorneys for Petitioners
suffered a serious medical emergency that impairs Petitioners' counsel's ability to complete
work on the reply brief and motion response under the current schedule. The undersigned
convened this counsel for the other parties, Region 1 and the Permittee, Granite Shore Power
Merrimack LLC, and asked for consent to a two-week extension to November 9, 2020. As noted
above, the Region consented and asked for a motion-reply date of December 4. The Permittee's
counsel stated that the Permittee does not oppose the request.

The Region also requests an extension of time until December 4, 2020, to file its reply to
Petitioners' response to the Motion to Strike, due to the Region's need to coordinate with EPA
Headquarters in connection with the reply, as well as plans for staff leave during the

Thanksgiving holiday, which holiday which may also affect their coordination with headquarters. Petitioners consent to that request.

CONCLUSION

For these reasons, Petitioners respectfully request that that the Board issue an order establishing the following extended deadlines:

<u>Filing</u>	<u>Due Date</u>
Petitioners' Reply to Responses to Petition for Review	Monday, November 9, 2020
Petitioners' Response to Motion to Strike	Monday, November 9, 2020
Region's Reply to Response to Motion to Strike	Friday, December 4, 2020

Dated: October 21, 2020

Respectfully Submitted,

/s/ Reed W. Super
Reed W. Super

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CERTIFICATE OF SERVICE

I, Reed W Super, hereby certify that on October 21, 2020, I caused to be served a true and correct copy of the foregoing motion to the following by email and through the EAB's e-

filing system:

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/s/ Reed W. Super
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