

December 10, 2021

**Via Electronic Filing**

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

RE: National Pollutant Discharge Elimination System Permit Number NH-0100790  
for the Keene Wastewater Treatment Plant

Dear Mr. Cortes:

On behalf of the City of Keene, New Hampshire, in regard to the above captioned matter, please find enclosed the City of Keene's Unopposed Motion for Extension of Time to File Reply Brief and Certificate of Service.

Thank you for your consideration.

Sincerely,



Joanna B. Tourangeau

Cc: Ms. Kristen Scherb, Esq. (by e-mail)  
Mr. Samir Bukhari, Esq. (by e-mail)  
Ms. Deborah Szaro (by e-mail)

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

_____	)	
	)	
	)	
In Re:	)	
	)	
City of Keene, New Hampshire	)	NPDES Appeal No. 21-03
	)	
NHDES Permit No. NH0100790	)	
	)	
_____	)	

**UNOPPOSED MOTION FOR**  
**EXTENSION OF TIME TO FILE REPLY BRIEF**

The City of Keene, New Hampshire (“Appellant” or “City”), by its undersigned counsel, hereby moves for an extension of time within which to file its reply brief in the above-captioned matter, from 15 days after the United States Environmental Protection Agency’s (“EPA’s”) service of the response to January 6, 2022. In support of this unopposed request, Appellant states as follows:

1. The City filed a Notice of Appeal in the above-captioned matter on September 24, 2021 and filed its brief on November 15, 2021 setting forth the factual and legal grounds for its appeal of the issuance to the City of the National Pollutant Discharge Elimination System (“NPDES”) Permit # NH0100790 (“Permit”).

2. The EPA’s response to the City’s brief is due on December 15, 2021, which if filed on or shortly before its deadline, would mean the City’s reply brief, due 15 days later, would be due during the winter holidays. Several key staff members and legal and technical professionals will be out of the office during all or part of the week between Christmas and New Year’s. To accommodate travel and family schedules, the City requires an extension of its deadline to file its

reply brief to allow for City staff and the City's technical and legal professionals sufficient time review EPA's response in full and provide a clear and comprehensive reply.

3. The Environmental Appeals Board ("EAB") is authorized to grant additional time to file a reply brief so long as such motion is filed, as here, within a reasonable time. 40 C.F.R. § 124.19(g) (extensions of time permissible where promptly requested). Appellant's counsel believes that this extension will allow Appellant to provide an adequate reply to EPA's response and will not prejudice the EPA. Consideration of holiday travel schedules present good cause for grant of an extension. *See, e.g., In re Springfield Water and Sewer Commission*, NPDES Appeal No. 20-07 (EAB Nov. 10, 2020) (Order Granting Motion for Extension of Time).

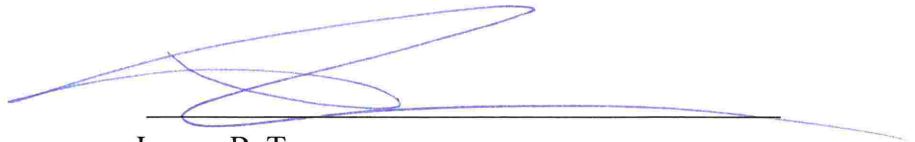
4. Counsel for Appellant contacted Counsel for EPA Region 1 to ascertain its position on this motion. The parties conferred and agreed that an extension of time is warranted. Counsel for EPA Region 1 does not oppose the extension requested by Appellant herein.

WHEREFORE, Appellant hereby respectfully requests that the EAB grant an extension of time to January 6, 2022 for it to file its reply brief in the above-captioned matter.

Respectfully submitted,

**CITY OF KEENE, NEW HAMPSHIRE,**

By its attorney,

A handwritten signature in blue ink, consisting of several overlapping loops and a long horizontal stroke extending to the right.

Dated: December 10, 2021

Joanna B. Tourangeau  
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## CERTIFICATE OF SERVICE

I, Joanna B. Tourangeau, hereby certify that on this 10th day of December, 2021, I served the foregoing Unopposed Motion for Extension of Time to File Reply Brief 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 3334  
Washington, DC 20004

By Email:

Ms. Kristen Scherb, Esq.  
Mr. Samir Bukhari, Esq.  
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Attorney for the City of Keene, NH