

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

In Re:)	
)	
Springfield Water and Sewer Commission,)	
Springfield Regional Wastewater Treatment)	
Facility)	NPDES Appeal No. 20-07
)	
Reissuance of NPDES Permit No.)	
MA0101613)	
)	

**UNOPPOSED FIRST MOTION FOR EXTENSION OF TIME FOR FILING AMICUS
BRIEFS**

Pursuant to 40 C.F.R. §§ 124.19(e) and (g), Save the Sound, Inc. and Connecticut River Watershed Council, Inc., d/b/a Connecticut River Conservancy, hereby move the Environmental Appeals Board (“Board”) to extend the time for filing of amicus briefs for 21 days until December 16, 2020 to be due at the same time as the Response to the Petition for Review by Region I of the United States Environmental Protection Agency (“EPA”) in this matter.

Grounds for the Motion

1. On September 30, 2020, EPA issued a National Pollutant Discharge Elimination System (“NPDES”) Permit (“Permit”) to the Springfield Water and Sewer Commission (“SWSC”).
2. On October 30, 2020 the SWSC filed a Petition for Review (“Petition”) with the Board requesting review of the permit citing numerous conditions for review, including, *inter alia*, conditions related to the total nitrogen limit, nitrogen optimization requirements, co-permittees, and bypass of secondary treatment. Many of these issues related to the

impact of the SWSC nitrogen and CSO discharge on the Connecticut River and the Connecticut and New York waters of Long Island Sound.

3. Save the Sound is a 501(c)(3) not-for-profit corporation, incorporated under the laws of the State of Connecticut, with its principal place of business at 900 Chapel Street, Suite 2202, New Haven, CT 06510. Save the Sound represents over 3,500 member households and 10,000 activists throughout the region. Our mission is to protect and improve the land, air, and water of Connecticut and the entire Long Island Sound region. We use legal and scientific expertise and bring citizens together to achieve results that benefit our environment for current and future generations. Save the Sound has represented the interests of its membership in numerous proceedings before trial and appellate courts and federal and state administrative agencies in which Save the Sound sought to protect the environment and natural resources for its members and the citizens of Connecticut and New York.
4. The Connecticut River Watershed Council, Inc., doing business as the Connecticut River Conservancy (CRC), is a 501(c)(3) non-profit organization, incorporated under the laws of the Commonwealth of Massachusetts, with headquarters offices based in Greenfield, Massachusetts, and additional employees in Connecticut and Vermont. Founded in 1952, the Connecticut River Conservancy is the voice for the Connecticut River watershed, from source to sea. We collaborate with partners across four states to protect and advocate for our rivers and educate and engage communities. We bring people together to prevent pollution, improve habitat, and promote enjoyment of the river and its tributary streams. Healthy rivers support healthy economies. CRC has approximately 1,000 household members and over 3,000 volunteers who live, work, and recreate in and

around the Connecticut River and its tributaries. Our volunteer programs include river cleanups, water quality monitoring and sampling, pulling invasive aquatic plants, conducting community science, and nonprofit assistance. CRC has been active for more than a decade in its efforts to protect its members' interests related to wastewater pollution.

5. Save the Sound, Connecticut River Conservancy and Connecticut Department of Energy and Environmental Protection submitted comments in the Permit proceedings and are therefore interested parties.
6. Under 40 C.F.R. § 124.19(e) the deadline for filing amicus briefs by interested parties is 21 days after the filing of the petition and such briefs may not exceed 15 pages.
7. On November 10, 2020, the Board granted EPA's motion for extension to file their response to the Petition until December 16, 2020. The grounds of the motion were, *inter alia*, the complexity of the petition and holiday schedules.
8. Given the numerous and complex issues raised, along with the holiday schedule and workload of counsel, it will be difficult for Save the Sound and Connecticut River Conservancy to respond completely and appropriately within the 21 day time period.
9. Save the Sound has conferred counsel for SWSC and EPA and neither object to the request for an extension for filing the amicus briefs until December 16, 2020, when EPA's response will be due.

For the reasons set forth above, Save the Sound and Connecticut River Conservancy hereby request an extension until December 16, 2020 for amicus briefs to be filed in this matter.

Respectfully Submitted,
Save the Sound



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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Unopposed Motion for Extension of Time for Filing Amicus Briefs in the above captioned matter was sent to the following persons in the manner indicated:

Electronic Filing:

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Dated November 16, 2020

A handwritten signature in black ink, appearing to read "Roger Reynolds".

Roger Reynolds, Esq.
Senior Legal Counsel
Save the Sound