

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

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

**ORDER GRANTING CONSENT MOTION FOR EXTENSION OF TIME AND
 INCREASE WORD LIMITS
 AND NOTIFYING THE PARTIES OF ELECTRONIC SERVICE**

On June 12, 2020, Sierra Club, Inc. (“movant”), filed a motion seeking a 30-day extension of the deadline to file a petition for review of a National Pollutant Discharge Elimination System (“NPDES”) permit decision U.S. EPA Region 1 (“Region”) issued authorizing discharges into the Merrimack River from Granite Shore Power Merrimack LLC’s (“Permittee”) facility located at Merrimack Station in Bow, New Hampshire. The motion also seeks a commensurate 30-day extension to file the response(s) to the petition; a 15-day extension of time for replies; and enlargement of the word limits set forth in 40 C.F.R. section 124.19(d)(3) to 18,000 words for the petition and response brief(s), and 9,000 words for the reply(ies). The Region and Permittee consented to the relief sought.

In support of its request movant represents that this matter involves a lengthy regulatory history; a voluminous Administrative Record comprised of 1,886 documents and a 750-page Response to Comments document; as well as a large number of issues. In addition, movant explains that due to the Covid-19 pandemic movant’s and its counsel’s offices remain closed, which has complicated and delayed certain aspects of their work.

Under the regulations governing permit appeals, the Environmental Appeals Board (“Board”) may, for good cause, grant extensions of time to the filing requirements prescribed by the applicable regulations. 40 C.F.R. § 124.19(n). Based on movant’s representations in its motion, the Board **GRANTS** the motion. Petitions for review filed by movant, or the permittee, must be filed with the Board on or before Monday, **July 27, 2020**, and each petition shall not exceed 18,000 words. Responses to the petition(s) and other materials required by 40 C.F.R. section 124.19(b)(2) shall be filed by on or before Friday, **September 25, 2020**, and shall not exceed 18,000 words. Optional replies are due on or before Monday, **October 26, 2020**.

Pursuant to 40 C.F.R. section 124.19(i)(3)(iii), the Environmental Appeals Board is serving this Order by e-mail (Clerk_EAB@epa.gov) at the addresses provided by the parties which are listed on the attached Certificate of Service. Parties shall promptly file a notice in this matter informing the Board and the other parties if their e-mail address changes. The parties should continue to use the Board’s electronic filing system for filing all documents in this appeal.

Finally, 40 C.F.R. section 124.19(i)(3)(ii) provides that “[t]he Environmental Appeals Board may by order authorize or require service by facsimile, email, or other electronic means, subject to any appropriate conditions and limitations.” The Board hereby authorizes the parties to execute service by email.

So ordered.

Dated: Jun 16 2020

ENVIRONMENTAL APPEALS BOARD

By: 

Kathie A. Stein
Environmental Appeals Judge

CERTIFICATE OF SERVICE

I certify that copies of the foregoing *Order Granting Consent Motion for Extension of Time and Increase Word Limits and Notifying the Parties of Electronic Service* in the matter of Granite Shore Power Merrimack LLC, NPDES Appeal No. 20-05, were sent to the following persons in the manner indicated:

By Email:

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Dated: Jun 16 2020



Eurika Durr
Clerk of the Board