



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

In re: )
City of Portsmouth, New Hampshire ) NPDES Appeal No. 22-02
NPDES Permit No. NH0109000 )

ORDER GRANTING EXTENSION OF TIME

On October 5, 2022, the U.S. Environmental Protection Agency Region 1 ("Region") filed an unopposed motion for extension of time to file its response to the petition in this matter ("Motion"). In the Motion, the Region requests a ten-day extension of the deadline to file its response, from October 11, 2022, to October 21, 2022. See EPA Motion for Extension of Time at 1 (October 5, 2022). In support of the Motion, the Region states that a key EPA staff member working on the Region's response has become unexpectedly unavailable. See id. at 2. The Region represents that Petitioner does not object to the Motion and the requested due date for the response. See id.

Based on the representations in the Region's Motion, the Environmental Appeals Board ("Board") GRANTS the Motion. See 40 C.F.R. § 124.19(f)(6) & (n). The Region shall file its response to the petition for review on or before Friday, October 21, 2022. The Region must file a certified index of the administrative record and the relevant portions of the administrative record on or before that same date. See id. § 124.19(b)(2). If Petitioner wishes to file a reply to the Region's response, it must do so by Monday, November 7, 2022. See id. § 124.19(c)(2). Additionally, if they choose to participate, States or Tribal authorities where the permitted

facility is located must file a notice of appearance and a response to the petition with the Board on or before **Friday, October 21, 2022**. *See id.* § 124.19(b)(4). And if any interested person chooses to file an amicus brief, that brief must be filed with the Board on or before **Monday, November 7, 2022**. *See id.* § 124.19(e). All of these adjustments to filing dates are made pursuant to 40 C.F.R. §§ 124.19(n) & .20(c), and all responses and replies must comply with length and other requirements of 40 C.F.R. § 124.19.

Pursuant to 40 C.F.R. § 124.19(i)(3)(iii), the Board may use electronic mail (Clerk\_EAB@epa.gov) to serve orders and decisions in this matter at the addresses provided by the parties. Additionally, the Board has authorized all parties in permit appeals to use email to fulfill their service obligations under 40 C.F.R. § 124.19(i)(3)(ii). *See Revised Order Authorizing Electronic Service of Documents in Permit and Enforcement Appeals (EAB Sept. 21, 2020)*. The parties shall promptly notify the Board and the other parties of any change to their email address. The parties should continue to use the Board's electronic filing system for filing all documents in this appeal.

So ordered.

**ENVIRONMENTAL APPEALS BOARD**

Dated: October 7, 2022

By:   
Wendy L. Blake  
Environmental Appeals Judge

**CERTIFICATE OF SERVICE**

I certify that copies of the foregoing *Order Granting Extension of Time* in the matter of City of Portsmouth, New Hampshire, NPDES Appeal No. 22-02, were sent to the following persons in the manner indicated:

**By Email:**

**For: City of Portsmouth**

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Dated: Oct 07, 2022



Emilio Cortes  
Clerk of the Board