



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

In re:
Springfield Water and Sewer Commission
Permit No. MA0101613
NPDES Appeal No. 20-07

ORDER GRANTING MOTION FOR EXTENSION OF TIME

On October 30, 2020, Springfield Water and Sewer Commission filed a petition for review of a NPDES permit renewal that authorizes discharges from the Springfield Regional Wastewater Treatment Facility and Combined Sewer Overflow ("CSO") outfalls. On November 9, 2020, U.S. Environmental Protection Agency, Region 1 ("Region"), filed an unopposed motion for a 14-day extension of time to file its response to the petition for review, along with a certified index and relevant portions of the administrative record. The Region's response is currently due on or before December 2, 2020.

In support of its request for an extension of time the Region lists seventeen elements of the permit for which review is requested and states that its response is due four business days after the Thanksgiving holiday, and that several of the Region's key technical and legal staff will be out of the office for all or part of the Thanksgiving week. Similarly, the Region states that it must also consult with EPA's Office of General Counsel and Office of Water prior to finalizing its response to the petition for review, and those consultations would occur in the days surrounding the Thanksgiving holiday. The Region contacted Springfield's counsel and the parties agreed that a request for an extension of time was warranted.

Based on the Region's representations in its unopposed motion, the Environmental Appeals Board ("Board") hereby grants the Region's motion for an extension of time to file its response to the petition for review. The Region's response, along with a certified index and relevant portions of the administrative record, must be filed on or before **Wednesday, December 16, 2020**. See 40 C.F.R. § 124.19(b)(2). If Springfield chooses to file a reply brief, the reply brief must be filed on or before **Wednesday, January 6, 2021**.

Pursuant to 40 C.F.R. section 124.19(i)(3)(iii), the 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, the Board recently authorized parties to all pending and newly filed permit appeals, among others, to utilize email to fulfill their service obligations under 40 C.F.R. § 124.19(i)(3)(ii) without seeking and obtaining the consent of another party in order to serve that party by email. *Env'tl Appeals Bd., U.S. EPA, Revised Order Authorizing Electronic Service of Documents in Permit and Enforcement Appeals* (Sept. 21, 2020).

So ordered.

ENVIRONMENTAL APPEALS BOARD

Dated: November 10, 2020

By: 

Mary Kay Lynch
Environmental Appeals Judge

CERTIFICATE OF SERVICE

I certify that copies of the foregoing *Order Granting Motion for Extension of Time* in the matter of Springfield Water and Sewer Commission, NPDES Appeal No. 20-07, were sent to the following persons in the manner indicated:

By Email:

Attorneys for Springfield Water and Sewer Commission

Fredric P. Andes
Erika K. Powers
Ashley E. Parr
Barnes & Thornburg LLP
One North Wacker Drive, Suite 4400
Chicago, IL 60647
(312) 357-1313
Fredric.Andes@btwlaw.com
Erika.Powers@btlaw.com
Ashley.Parr@btlaw.com

Attorneys for EPA Region 1

Samir Bukhari, Esq.
Michael Knapp, Esq.
Kristen Scherb, Esq.
U.S. Environmental Protection Agency
Office of Regional Counsel, Region 1
5 Post Office Square
Boston, MA 02109
(617) 918-1095
(617) 918-1053
(617) 918-1767
bukhari.samir@epa.gov
knapp.michael@epa.gov
scherb.kristen@epa.gov

Pooja Parikh, Esq.
Peter Ford, Esq.
U.S. Environmental Protection Agency
Office of General Counsel, Water Law Office
1200 Pennsylvania Ave NW
Mail Code 2355A
Washington, DC 20460
(202) 564-0839
(202) 564-5593
parikh.pooja@epa.gov
ford.peter@epa.gov

Dated: November 10, 2020



Eurika Durr
Clerk of the Board