

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

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

ORDER ACCEPTING AMICUS BRIEF

On October 30, 2020, Springfield Water and Sewer Commission filed a petition for review of a National Pollutant Discharge Elimination System permit renewal that authorizes discharges from the Springfield Regional Wastewater Treatment Facility in Springfield, Massachusetts. Previously, the Environmental Appeals Board (“Board”) granted two motions for extensions of time to file pleadings in this matter. First, on November 9, 2020, the Board granted the U.S. Environmental Protection Agency, Region 1 (“Region”), unopposed motion for a fourteen-day extension of time to file its response to the petition for review. The Board’s order stated that the Region’s response brief would be due no later than December 16, 2020, and Petitioner’s reply brief, if any, would be due no later than January 6, 2021. Second, on November 20, 2020, the Board granted an unopposed motion from Save the Sound, Inc., and Connecticut River Watershed Council, Inc., d/b/a Connecticut River Conservancy, to extend the time to file amicus briefs to December 16, 2020, to correspond to the deadline established for the Region’s response brief. In both orders granting extensions of time, the Board considered the representations of the respective parties, namely that the complexity of the petition, counsel

workloads, and Thanksgiving holiday leave schedules augured in favor of the Board granting the extension requests.

On December 16, 2020, the Board received three amicus curiae briefs, from Save the Sound, Inc., Connecticut River Conservancy, and Connecticut Department of Energy and Environmental Protection (“CT DEEP”). Also on December 16, 2020, counsel for Petitioner contacted the Clerk of the Board seeking clarification as to whether the Board’s order extending the deadline to file amicus briefs extended to all potential amici, or only to the two amici (Save the Sound, Inc., and Connecticut River Conservancy) who filed the motion for an extension. The bases for the Board’s order extending the time to file amicus briefs are applicable to CT DEEP along with Save the Sound, Inc., and Connecticut River Conservancy. Pursuant to the Board’s authority to ensure the efficient, fair, and impartial adjudication of issues, the Board accepts CT DEEP’s amicus curiae brief. 40 C.F.R. § 124.19(n).

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

Finally, the Board has authorized parties to all pending and newly filed permit appeals, among others, to utilize e-mail 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 e-mail. Env't'l 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: **Dec 18 2020**

By: 
Mary Kay Lynch
Environmental Appeals Judge

CERTIFICATE OF SERVICE

I certify that copies of the foregoing **Order Accepting Amicus Brief** 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 Electronic Mail:

Attorneys for Springfield Water and Sewer Commission

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

Attorneys for EPA Region 1

Samir Bukhari
Michael Knapp
Kristen Scherb
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

Attorney for Save the Sound, Inc.

Roger Reynolds
Senior Legal Counsel
Save the Sound, Inc.
900 Chapel Street, Suite 2202
New Haven, CT 06510
(203) 787-0646 Ext. 105
rreynolds@savethesound.org

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

Connecticut River Conservancy Representative

Andrea Donlon, River Steward
Connecticut River Conservancy
15 Bank Row
Greenfield, MA 01301
(413) 772-2020 Ext. 205
adonlon@ctriver.org

*Attorney for Connecticut Department of
Energy and Environmental Protection*

Scott N. Koschwitz
Assistant Attorney General
165 Capitol Avenue
Hartford, CT 06106
(860) 808-5250
scott.koschwitz@ct.gov

Dated: **Dec 18 2020**



Annette Duncan
Administrative Specialist