



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

In re:)	
)	
Granite Shore Power Merrimack L.L.C.)	NPDES Appeal Nos. 20-05 & 20-06
)	
NPDES Permit No. NH0001465)	
)	

**ORDER SETTING DEADLINE FOR RESPONSE TO MOTION FOR
FURTHER ABEYANCE**

On April 14, 2021, EPA Region 1 (“Region”) filed a motion seeking further abeyance of the above-captioned appeals through June 18, 2021. EPA Region 1 Motion for Further Abeyance (Apr. 14, 2021). In support, the Region states that “it has been working diligently with the Office of General Counsel and the Office of Water at EPA Headquarters to prepare briefings on this matter for senior leadership” and that additional time is needed due to “the large number of matters on which the new Administration is being briefed.” *Id.* at 2. The Region states that it has consulted with those Headquarters offices with respect to this motion. *Id.*

In its motion, the Region states that it has contacted counsel for the petitioners in Appeal No. 20-05, Sierra Club and Conservation Law Foundation, and counsel for the petitioner in Appeal No. 20-06, GSP Merrimack LLC, to ascertain their positions on the motion. *Id.* at 2. The Region represents that Sierra Club and the Conservation Law Foundation have “assented” to the motion but that GSP Merrimack has stated that it “takes no position on the motion at this time and reserves the right to file a response in accordance with the Board’s rules after the motion is filed.” *Id.* at 2-3.

In light of the motion and the status of the appeals, we ORDER GSP Merrimack to file a response to the pending motion as soon as possible but no later than **Wednesday, April 21, 2021**. See 40 C.F.R. § 124.19(f)(3). If GSP Merrimack decides to oppose the motion, its response must include the grounds for its opposition.

So ordered.

ENVIRONMENTAL APPEALS BOARD

Dated: April 15, 2021

By: 

Aaron P. Avila
Environmental Appeals Judge

CERTIFICATE OF SERVICE

I certify that copies of the foregoing **ORDER SETTING DEADLINE FOR RESPONSE TO MOTION FOR FURTHER ABEYANCE** in the matter of Granite Shore Power Merrimack LLC, NPDES Appeal Nos. 20-05 and 20-06, were sent to the following persons by email:

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Dated: **Apr 15, 2021**



Eurika Durr
Clerk of the Board