

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

)	
In re:)	
)	
City of Lowell)	NPDES Appeal No. 19-03
)	
NPDES Permit No. MA0100633)	
)	

ORDER GRANTING EXTENSION OF TIME

The City of Lowell (“City”) has petitioned the Environmental Appeals Board for review of a National Pollutant Discharge Elimination System(“NPDES”) permit issued by U.S. Environmental Protection Agency, Region 1, authorizing discharges from the City’s wastewater treatment facility to the Merrimack River, in Massachusetts. The City’s petition challenges ten separate aspects of the permit. Citing to the “complex” nature of the administrative record on the City’s permit and noting that two other permits issued by the Region are currently on appeal, the Region requests by motion a fourteen-day extension of time to file its response to the City’s petition and the relevant portions of the administrative record. EPA Motion for Extension of Time at 2. According to the Region, “Petitioner’s counsel has assented” to its extension request. *Id.* at 3.

For the reasons stated in the Region’s motion, and for good cause shown, the Board GRANTS the Region’s request for a fourteen-day extension. The Region’s response to the City’s petition must be filed no later than Tuesday, December 10, 2019. Similarly, the Region must file a certified index of the administrative record and the relevant portions of administrative record by that same day.

Finally, 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. Parties shall promptly notify the Board and the other parties of any change to their email address.

So ordered.

Dated: November 21, 2019

ENVIRONMENTAL APPEALS BOARD

By:  _____

Kathie A. Stein
Environmental Appeals Judge

CERTIFICATE OF SERVICE

I certify that copies of the *Order Granting Extension of Time* in the matter of City of Lowell, NPDES Appeal No. 19-03, were sent to the following persons by email:

F. Paul Calamita
Richard H. Sedgley
AquaLaw PLC 6 South 5th Street
Richmond, Virginia 23219
paul@aqualaw.com
dick@aqualaw.com
Attorneys for the City of Lowell

Maximilian Boal
Senior Enforcement Counsel
U.S. Environmental Protection Agency
Region 1
5 Post Office Square, Suite 100
Mail Code: 4-02
Boston, MA 02109
(617) 918-1750
boal.maximilian@epa.gov
Attorney for EPA Region 1

Courtesy Copy:
Steven Neugeboren
Office of General Counsel
USEPA Headquarters
William Jefferson Clinton Building
1200 Pennsylvania Avenue, N. W.
Mail Code: 2355A
Washington, DC 20460 Tel: 202-564-5488
Email: neugeboren.steven@epa.gov
Associate General Counsel for EPA

Dated: November 21, 2019



Eurika Durr
Clerk of the Board