

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

In re Tulalip Tribes of Washington –	)	
Wastewater Treatment Plant	)	
	)	
&	)	
	)	
Lummi Tribal Sewer and Water District –	)	
Gooseberry Point Wastewater Treatment	)	
Plant & Sandy Point Wastewater Treatment	)	NPDES Appeal Nos. 24-02 & 24-03
Plant	)	
	)	
	)	
NPDES Permit Nos. WA 0024805,	)	
WA 0025666, WA 0025658	)	

## ORDER GRANTING JOINT MOTION TO CONSOLIDATE PETITIONS FOR REVIEW AND FOR EXTENSION OF TIME

The above-captioned matters concern three final National Pollutant Discharge Elimination System (“NPDES”) permits issued by Region 10 of the U.S. Environmental Protection Agency to three different wastewater treatment facilities—the Tulalip Tribes of Washington Wastewater Treatment Plant (NPDES Permit No. WA0024805), Sandy Point Wastewater Treatment Plant (NPDES Permit No. WA0025658), and Gooseberry Point Wastewater Treatment Plant (NPDES Permit No. WA0025666). The three facilities discharge to receiving waters that are part of the Puget Sound Watershed in the state of Washington. Joint Mot. to Consolidate Pets. for Review and Extension of Time 2 (Sept. 19, 2024).

The Northwest Environmental Advocates (“NWEA”) filed two petitions seeking review of the NPDES permits mentioned above. The Region and NWEA have now filed a joint motion requesting that the Environmental Appeals Board consolidate the two petitions and extend the briefing schedule. *See id.* The Region and NWEA represent that the petitions “involve the same issues on appeal” and “involve the same parties,” and therefore consolidation of the petitions “with single response and reply deadlines will further the interest of judicial economy.” *Id.* at 2.

The Region adds that it will need to coordinate with EPA Headquarters' personnel in preparing the response, that key personnel will be out of the office the week preceding the current deadline to file the response briefs, and "that the administrative record index for these permits will be large and might require redaction of personally identifiable information." *Id.* The parties request that the Board establish November 7, 2024, as the deadline for the consolidated response brief; and December 6, 2024, as the deadline for any reply brief. *Id.* at 3.

Based on the representations in the joint motion, the Board hereby **GRANTS** the joint motion to consolidate the petitions and for extension of time. *See* 40 C.F.R. § 124.19(f)(6), (n). Both appeals are now consolidated. Responsive materials under 40 C.F.R. § 124.19(b) are to be filed and served on or before **Thursday, November 7, 2024**. NWEA's reply brief, if it chooses to file one, is to be filed and served on or before **Friday, December 6, 2024**. The response and reply briefs must comply with length and other applicable requirements set forth in 40 C.F.R. § 124.19.

Pursuant to 40 C.F.R. § 124.19(i)(3)(iii), the Board may use email (Clerk\_EAB@epa.gov) to serve orders and decisions in this matter to 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 Env't Appeals Bd., U.S. EPA, Revised Order Authorizing Electronic Service of Documents in Permit and Enforcement Appeals* (Sept. 21, 2020). The parties shall promptly notify the Board and the other parties of any change to their email addresses. The parties should continue to use the Board's electronic filing system for filing all documents in this appeal.

So ordered.

Dated: Sep 24, 2024

**ENVIRONMENTAL APPEALS BOARD**

By:  \_\_\_\_\_

Aaron P. Avila

Environmental Appeals Judge

## CERTIFICATE OF SERVICE

I certify that copies of the foregoing *Order Granting Joint Motion to Consolidate Petitions for Review and for Extension of Time* in the matter of Tulalip Tribes of Washington & Lummi Tribal Sewer and Water District, NPDES Appeal Nos. 24-02 & 24-03 were sent to the following persons in the manner indicated.

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Dated: Sep 24, 2024

*Emilio Cortes*

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Emilio Cortes  
Clerk of the Board