

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

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 In re Evoqua Water Technologies LLC and )  
 Colorado River Indian Tribes )  
 )  
 RCRA Permit No. AZD982441263 )  
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RCRA Appeal No. 18-01

**ORDER EXTENDING DEADLINE FOR FURTHER BRIEFING  
 ON MOTION FOR STAY OF PERMIT PROVISIONS PENDING BOARD REVIEW**

On December 14, 2018, the Board issued an Order for Further Briefing on Evoqua’s Motion for Stay of Permit Provisions Pending Board Review. That Order requires all three parties in this proceeding – Evoqua Water Technologies LLC (“Evoqua”), EPA Region 9 (“Region”), and the Colorado River Indian Tribes (“Tribes”) – to meet and confer and to file supplemental briefs by January 8, 2019, addressing three questions concerning Evoqua’s Motion to Remand EPA Notice of Stayed Permit Provisions or, in the Alternative, Motion to Stay Permit Provisions Pending Appeal (Nov. 14, 2018). The Order also requires the Region to confer with the EPA Office of General Counsel prior to filing its supplemental brief to ensure that the Region’s response reflects the Agency’s views, and for the parties to report to the Board in their supplemental briefs on the outcome of their meet and confer efforts.

On December 18, 2018, the Region filed a motion seeking a three-week extension of time to file supplemental briefs in response to the Board’s Order. *See* Region’s Motion for an Extension of Deadline to File Supplemental Briefs Responding to Board’s Questions (Dec. 18, 2018). Evoqua opposes the Region’s motion and, at the Board’s request, filed a response

explaining its opposition. *See* Evoqua's Response to Region's Motion for an Extension of Deadline to File Supplemental Briefs Responding to Board's Question (Dec. 20, 2018). After considering the arguments presented, the Board extends the deadline for filing supplemental briefs by two weeks. *See* 40 C.F.R. § 124.19(n). Supplemental briefs are now due **January 22, 2019**.

So ordered.

**ENVIRONMENTAL APPEALS BOARD**

Date: December 20, 2018

By:   
Mary Beth Ward  
Environmental Appeals Judge

**CERTIFICATE OF SERVICE**

I certify that copies of the foregoing ORDER EXTENDING DEADLINE FOR FURTHER BRIEFING ON MOTION FOR STAY OF PERMIT PROVISIONS PENDING BOARD REVIEW in the matter of *Evoqua Water Technologies LLC*, RCRA Appeal No. 18-01, were sent to the following persons by email:

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Date: December 20, 2018



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Eurika Durr  
Clerk of the Board