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

In re: Buena Vista Rancheria)
Wastewater Treatment Plant)

NPDES Appeal Nos. 10-05 - 10-07 & 10-13

NPDES Permit No. CA 0049675

EPA Region IX's Motion for Extension of Time to Respond to Petitions for Review

Petitions for Review of NPDES Permit No. CA 0049675 ("Final Permit") were filed by the County of Amador, California ("County"), by the Friends of Amador County ("FAC"), and by Glenn Villa, Jr. (collectively, the "Original Petitions") within thirty days of the issuance of the permit, in accordance with 40 C.F.R. § 124.19. By letter to Nancy Marvel, dated July 29, 2010, the Environmental Appeals Board ("EAB") instructed the Environmental Protection Agency, Region 9 (the "Region"), that the Region's Response to the Original Petitions must be filed no later than September 13, 2010. A Petition for Review was also filed by William Wood on behalf of the Ione Band of Miwok Indians ("IBMI Petition") more than thirty days after the issuance of the permit, on August 14, 2010. By letter to Nancy Marvel, dated August 30, 2010, the EAB instructed the Region that the Region's Response to the IBMI Petition must be filed no later than October 12, 2010.

The Region hereby moves for an extension of two weeks, until September 27, 2010, to file its Response to the Original Petitions. At that time, the Region will also file its Response to the IBMI Petition. The additional time will allow the Region to preserve agency resources by consolidating its response to the Original Petitions and the IBMI Petition. Although different, many of the issues raised in the Original Petitions, and the relevant facts associated with the issues, are similar to the ones raised in the IBMI Petition. Therefore, consolidating the responses

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to both sets of petitions will be more efficient for the Region to respond and the EAB to make its decision whether to review the permit. In addition, it will allow the Region the time it needs to fully respond to the IBMI Petition without unduly delaying the Region's Response to the Original Petitions.

The Region has contacted all Petitioners, as well as the permittee, to inform them of the Region's intent to seek an extension of time. The County, FAC, and the permittee do not oppose the Region's motion for an extension of time. The Region has not yet received responses to messages left with Mr. Villa or Mr. Wood.

For the foregoing reasons, the Region hereby respectfully moves the Board to extend the time for filing the Region's response to NPDES Appeal Nos. 10-05 through 10-07 to on or before September 27, 2010.

Respectfully submitted,

Dated: September 7, 2010

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Certificate of Service

Via the Central Data Exchange to:

Clerk of the Board United States Environmental Protection Agency Environmental Appeals Board Colorado Building 1341 G. Street, N.W., Suite 600 Washington, D.C. 20005

Via electronic mail in Adobe Acrobat ® pdf format to:

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