

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

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In re:)	
)	
City and County of San Francisco)	Appeal No. 20-01
)	
NPDES Permit No. CA0037681)	
)	

ORDER GRANTING EXTENSION OF TIME

Pending before the Environmental Appeals Board (“EAB”) is a Petition for Review (“Petition”) of a National Pollution Discharge Elimination System (“NPDES”) permit issued by U.S. Environmental Protection Agency Region 9 (“Region 9”) to the City and County of San Francisco, California (“San Francisco”). San Francisco’s reply to Region 9’s response to the Petition is currently due on March 25, 2020. *See* Order Granting Extension of Time (EAB Feb. 11, 2020). Amicus briefs, if any, are also due to be filed on March 25, 2020. *Id.* San Francisco’s reply to Region’s 9’s March 16, 2020 response to San Francisco’s motion to stay contested permit conditions is due March 26, 2020. *See* 40 C.F.R. 124.19(f)(4) (providing that replies to motions are due 10 days after the response to the motion is filed). On March 18, 2020, San Francisco filed an unopposed motion for an extension of time seeking additional time to file its replies to both Region 9’s response for the Petition for Review and Region 9’s response to San Francisco’s motion to stay contested permit conditions. *See* Petitioner Unopposed Motion for Extension of Time (Mar. 18, 2020) (“Motion”). San Francisco also seeks to extend the time by which an amicus brief can be filed. *Id.*

San Francisco’s request for more time is based on the unforeseen circumstances resulting from the Coronavirus 2019 Disease (“COVID-19”). *Id.* at 1. In response to the outbreak of COVID-19 in the San Francisco Bay Area, the Health Officer of the City and County of San Francisco issued an order directing all individuals living in the County of San Francisco to shelter at their place of residence for a total of twenty-one days. *See* Motion at Attach. 1 (Order of the Health Officer of the City and County of San Francisco No. C19-07).¹ Under current circumstances, San Francisco states that the City and County “must prioritize ensuring that essential services * * * are provided to the public.” Motion at 3. And San Francisco represents that those efforts have affected San Francisco’s ability to dedicate sufficient resources to this appeal as well as prolonged the time expected to obtain the necessary internal approvals for the briefings. *Id.* Region 9 does not oppose this motion. Motion at 1.

Based on current circumstances and the representations made, the Board GRANTS San Francisco’s motion and extends current filing deadlines as follows:

1. San Francisco’s reply to Region 9’s response brief, if any, must be filed on or before **Wednesday, April 15, 2020.**
2. San Francisco’s reply to Region 9’s opposition to its motion to stay contested permit conditions, if any, must be filed on or before **Thursday, April 16, 2020.**


¹ The Board notes that on March 19, 2020, the Governor of California entered an indefinite shelter-in-place order for the State of California. Cal. Exec. Order N-33-20 (Mar. 19, 2020) available at <https://covid19.ca.gov/img/Executive-Order-N-33-20.pdf>.

3. Any amicus briefs must be filed on or before **Wednesday, April 15, 2020**.

So ordered.

ENVIRONMENTAL APPEALS BOARD

Dated: March 20, 2020

By:  _____

Aaron P. Avila
Environmental Appeals Judge

CERTIFICATE OF SERVICE

I certify that copies of the *Order Granting Extension of Time* in the matter of City and County of San Francisco, NPDES Appeal No. 20-01, were sent to the following persons by email:

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Dated: **Mar 20 2020**

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Eurika Durr
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