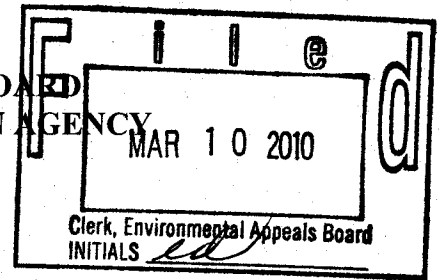


BEFORE THE ENVIRONMENTAL APPEALS BOARD
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C.



In re:)
City of Twin Falls) NPDES Appeal No. 09-12
Wastewater Treatment Plant)
Permit No. ID-002127-0)

ORDER GRANTING EXTENSION OF TIME

On March 2, 2010, U.S. EPA Region 10 (“Region”) filed a motion seeking an additional extension of time to file its response to Appeal No. 09-12 filed by the City of Twin Falls (the “City”). The Region seeks until September 8, 2010, to file its response. In the alternative, the Region requests a 10-day extension from the denial of this request to file its response brief. In support of its request, the Region explains that it has withdrawn Section I.B.1 and Appendix A from the permit,¹ and that the City has indicated its intention to submit comments during the permit modification process and subsequently file a petition for review with the Environmental Appeals Board (“Board”) regarding the Region’s decision to exclude these conditions from the permit. The additional time, the Region reasons, will allow the City to comment on the proposed permit modification and file a petition for review, which the Board can then consolidate with the

¹ Section I.B.1 allows the City to engage in phosphorus trading, and Appendix A establishes the conditions under which such trading may take place. The Region withdrew these conditions in response to a petition filed by the Idaho Conservation League (“ICL”). *See* Petition For Review, NPDES Appeal No. 09-13 (filed Oct. 26, 2009). Upon request, and because the challenged permit conditions were withdrawn, the Board dismissed ICL’s petition as moot. *See In re City of Twin Falls*, NPDES Appeal No. 09-13 (EAB Mar. 10, 2010) (Order Dismissing Petition).

City's pending petition. This, the Region explains, will allow the Board to consider all of the issues related to this permit at one time.

For good cause shown, the Board grants the Region's request for extension of time to allow consideration of all issues pertaining to this permit in a consolidated manner. Accordingly, the Region has until Wednesday, September 8, 2010, to file its response to the petition for review.²

So ordered.

Dated: *March 10, 2010*

By: *Kathie A. Stein*
Kathie A. Stein
Environmental Appeals Judge

² Documents are "filed" with the Board on the date they are *received* by the Clerk.

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing Order Granting Extension of Time in the matter of City of Twin Falls Wastewater Treatment Plant, NPDES Appeal No. 09-12, were sent to the following persons in the manner indicated:

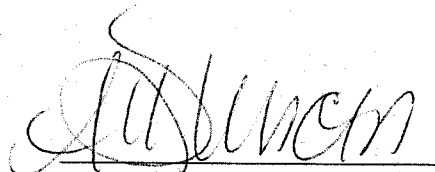
By EPA Pouch Mail and via fax:

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Dated: MAR 10 2010



Annette Duncan
Secretary