



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

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

**ORDER GRANTING MOTION FOR EXTENSION OF TIME
TO FILE RESPONSE**

On November 16, 2018, the U.S. Environmental Protection Agency Region 9 (“Region”) filed an Unopposed Motion for an Extension of Time to File a Response to Petition for Review (“Motion”) in this matter. The Motion requests a one-week extension of time for the Region to file its response brief and certified index of the administrative record, from November 26, 2018, to December 3, 2018. In support of its request, the Region cites a need for it to carefully consider “the substantial number of issues raised in the Petition for Review” and to consult with EPA Headquarters, including the Office of General Counsel, regarding these issues. Motion at 2. The Motion further states that multiple Regional staff and managers, including the primary consulting attorney from the Office of General Counsel, have scheduled leave in connection with the Thanksgiving Holiday, which falls on November 22, 2018. *Id.* Finally, the Motion indicates that the Region intends to prepare a response to a pending motion by Evoqua Water Technologies,

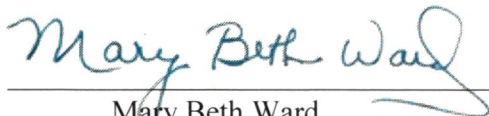
LLC (“Evoqua”) concerning the notice of stayed permit provisions, and that the Region anticipates that preparation of the response “will put further demand on the Region’s resources over the Thanksgiving holiday.” *Id.* The Region represents that neither Evoqua nor the Colorado River Indian Tribes object to this Motion.

For good cause shown, the Environmental Appeals Board **GRANTS** the Motion. The Region’s responsive materials – including its response to the Petition for Review, its certified index to the administrative record, and relevant portions of the administrative record – are now due on **December 3, 2018**. *See* 40 C.F.R. § 124.19(b)(2). In addition, to the extent the co-permittee Colorado River Indian Tribes, the State, or any Tribal authority where the Evoqua facility is located wishes to participate in the appeal in a capacity other than as a named petitioner in this matter, the deadline for filing a notice of appearance and a response is similarly extended to December 3, 2018. *See id.* § 124.19(b)(3)-(4).

So ordered.

ENVIRONMENTAL APPEALS BOARD

Date: November 19, 2018

By: 
Mary Beth Ward
Environmental Appeals Judge

CERTIFICATE OF SERVICE

I certify that copies of the foregoing **ORDER GRANTING MOTION FOR EXTENSION OF TIME TO FILE RESPONSE** in the matter of *Evoqua Water Technologies, LLC*, RCRA Appeal No. 18-01, were sent to the following persons in the manner indicated:

By Pouch Mail:

Counsel for EPA Region 9

Mimi Newton
Assistant Regional Counsel (ORC-3)
U.S. Environmental Protection Agency
75 Hawthorne Street
San Francisco, CA 94105
Tel: 415-972-3941
Fax: 415-947-3570
Newton.Mimi@epa.gov

By U.S. Mail:

Counsel for Evoqua Water Technologies, LLC

Stephen M. Richmond
BEVERIDGE & DIAMOND, PC
155 Federal Street, Suite 1600
Boston, MA 02110
Tel: 617-419-2310
Fax: 617-419-2301
srichmond@bdaw.com

Bryan J. Moore
BEVERIDGE & DIAMOND
98 San Jacinto Blvd., Suite 1420
Austin, TX 78701-4296
Tel: 512-391-8030
Fax: 512-391-8099
bmoore@bdlaw.com

Counsel for Colorado River Indian Tribes

Rebecca A. Loudbear, Attorney General
Colorado River Indian Tribes
Colorado River Indian Reservation
26600 Mohave Road
Parker, AZ 85344
Tel: 928-669-1271
Fax: 928-669-5675

Dated: November 19, 2018



Annette Duncan
Administrative Specialist