

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

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

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

The Board has ordered the parties Evoqua Water Technologies LLC (“Evoqua”), the Colorado River Indian Tribes (“Tribes”) and EPA Region 9 (“Region”) to file supplemental briefs in response to Evoqua’s motion to remand the Region’s Notification of stayed Permit<sup>1</sup> provisions or, in the alternative, to stay the Permit pending appeal. *See* Order for Further Briefing on Evoqua’s Motion for Stay of Permit Proceedings Pending Board Review (Dec. 14, 2018); Evoqua’s Motion to Remand EPA Notice of Stayed Permit Provisions or, in the Alternative, Motion to Stay Permit Pending Appeal (Nov. 14, 2018). The Board has also ordered the Region to confer with EPA’s Office of General Counsel prior to filing its supplemental brief and has directed all three parties to meet and confer in advance of their filings to narrow their areas of disagreement or resolve, if possible, the issues raised in Evoqua’s motion and to report to the Board on the outcome of their meet and confer efforts. *See* Order for Further Briefing (Dec. 14, 2018). The Board subsequently extended the deadline for further briefing to

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<sup>1</sup> The permit at issue in this proceeding is the Resource Conservation and Recovery Act Final Permit, I.D. Number AZD982441263, issued by the Region to Evoqua and the Tribes on September 25, 2018, for the carbon regeneration facility located at 2523 Mutahar Street, Parker, Arizona 85244.

January 22, 2019. *See* Order Extending Deadline for Further Briefing on Motion for Stay of Permit Provisions Pending Board Review (Dec. 20, 2018).


Based on the partial shutdown of the federal government due to a lapse in appropriations, many of the staff and managers in the Region and in the Office of General Counsel were placed on furlough from December 29, 2018, until January 28, 2019, interfering with the parties' efforts to meet and confer. Accordingly, Evoqua has requested additional time to comply with the Board's December 14, 2018, Order. *See* Evoqua's Motion to Extend Deadline to File Supplemental Briefs on Evoqua's Motion for Stay of Permit Provisions Pending Board Review (Jan. 14, 2019). The Region concurs with Evoqua's Motion and has requested that the Board establish February 11, 2019, as the new deadline for filing supplemental briefs. *See* Notice of Region's Concurrence in Support of Petitioner's Motion Requesting an Extension to the Deadline to File Supplemental Briefs Responding to the Board's Questions (Jan. 28, 2019).

After considering the arguments presented, the Board extends the deadline for filing supplemental briefs to **February 11, 2019**.

So ordered.

**ENVIRONMENTAL APPEALS BOARD**

Date: January 29, 2019

By:   
Mary Beth Ward  
Environmental Appeals Judge

**CERTIFICATE OF SERVICE**

I certify that copies of the foregoing SECOND 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: **Jan 29 2019**

  
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Eurika Durr  
Clerk of the Board