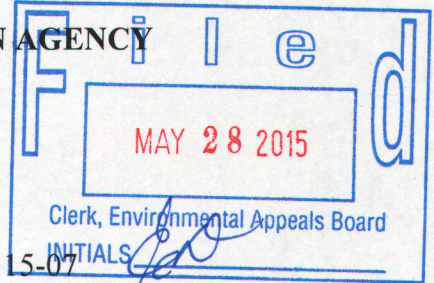


**ENVIRONMENTAL APPEALS BOARD  
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C.**



In re: )  
)  
Star Sewer and Water District )  
Wastewater Treatment Plant )  
)  
UIC Permit No. PAS2D020BCLE )  
)

NPDES Appeal No. 15-07

**ORDER GRANTING MOTION FOR EXTENSION OF TIME**

On May 26, 2015, the Idaho Department of Environmental Quality (“IDEQ”) filed a motion for an extension of time to file a response to the petition for review that the permittee, Star Sewer and Water District (“Star”), filed in the above-captioned matter. IDEQ’s Motion for Extension of Time to File Response Brief (May 26, 2015) (“IDEQ Motion”). Region 10 (“Region”) of the U.S. Environmental Protection Agency, the permit issuer in this appeal, recently filed a motion for an extension of time to file its response brief. *See* EPA Region 10’s Motion for Extension of Time to File Response Brief (May 15, 2015). The Environmental Appeals Board (“Board”) issued an order on May 19, 2015, granting the Region’s request and stating that the Region must file its response brief no later than June 24, 2015. *See* Order Granting Extension of Time to File Response (May 19, 2015) (“Order”).

IDEQ correctly states in its motion that because it is the state authority where the permitted facility or site is proposed to be located pursuant to 40 C.F.R. § 124.19(b)(4), IDEQ must file a notice of appearance and a response in accordance with the same date the Region must file its response. IDEQ Motion at 2. IDEQ is also correct that since the Board extended the Region’s time to file a response until June 24, 2015, the same date now applies to any response IDEQ may file. *Id.* Finally, IDEQ is correct that in this instance a motion to request an

extension of time to file its response pursuant to 40 C.F.R. § 124.19(b)(4) is not necessary. IDEQ Motion at 2; *see also* Order at 2 n.2 (stating that entities who may want to submit a response, including the state or tribal authority pursuant to 40 C.F.R. § 124.19(b)(4), or any interested person who wants to participate as an amicus curiae pursuant to 40 C.F.R. § 124.19(e), should take into account the new, later deadline that applies to the Region's response). Nonetheless, the Board is cognizant that IDEQ chose to confirm its understanding of the regulation rather than potentially misconstrue the filing deadline. IDEQ indicates that neither the Region nor Star oppose this motion. IDEQ Motion at 3.

For the reasons stated above, the Board hereby **GRANTS** IDEQ's motion for an extension of time to file a response to the petition for review. IDEQ's response shall be filed<sup>1</sup> on or before **Wednesday, June 24, 2015**.


So ordered.

ENVIRONMENTAL APPEALS BOARD

Dated:

May 28, 2015

By:



Kathie A. Stein  
Environmental Appeals Judge

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<sup>1</sup> Documents are "filed" with the Board on the date they are *received*. 40 C.F.R. § 124.19(I).

**CERTIFICATE OF SERVICE**

I hereby certify that copies of the foregoing Order Granting Motion for Extension of Time in the matter of Star Sewer and Water District, NPDES Appeal No. 15-07, were sent to the following persons in the manner indicated:

**By Facsimile and First Class U.S. Mail:**

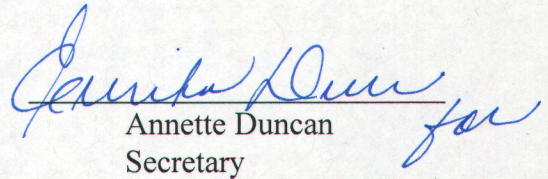
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Dated: *May 28, 2015*

  
Annette Duncan  
Secretary