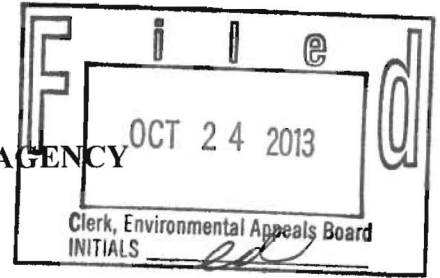


ENVIRONMENTAL APPEALS BOARD
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C.



In re:)
)
)

Joint Base Lewis-McChord)
Municipal Separate Storm Sewer System)

NPDES Permit No. WAS-026638)
_____)

NPDES Appeal No. 13-09

**ORDER GRANTING SECOND MOTION FOR EXTENSION OF TIME TO FILE
PETITION FOR REVIEW**

On September 24, 2013, the Environmental Appeals Board (“Board”) granted the motion for extension of time to file a petition for review filed by the U.S. Department of the Army (“Army”) in the above-captioned matter. Order Granting Motion for Extension of Time to File a Petition for Review at 1. The Board extended the deadline to file a petition for review until October 28, 2013. *Id.*

Due to a lapse in appropriations, the U.S. government was partially shut down from October 1, 2013, through October 16, 2013, reopening on October 17, 2013. The Board was closed during the shutdown, as was the majority of the Environmental Protection Agency (“EPA”). The Department of Defense (“DoD”) was closed from October 1 through October 7 due to the shutdown. Motion for Additional Extension of Time to File a Petition for Review at 1. The Army avers that the DoD closure had a significant negative effect on the Army’s ability to prepare its petition for review, and to coordinate within the Army as well as with other branches of the armed forces housed within the DoD. *See id.*

The Army requests additional time to file its petition for review and suggests that its petition be due no later than November 5, 2013. *Id.* The motion is silent with respect to whether

the Army has contacted EPA Region 10 ("Region") pursuant to 40 C.F.R. § 124.19(f)(2) to inquire if the Region objects or does not object to the Army's request for additional time to file a petition. Given the extraordinary circumstances that the Army, the Region, and the Board experienced due to the shutdown, and because the Army's request for additional time amounts to less than the seven business days that DoD was shut down, the absence of this information is not fatal to the Army's request.

For good cause shown, the Army's motion is hereby **GRANTED**. The Army must file a petition for review of NPDES Permit No. WAS-026638 on or before **Tuesday, November 5, 2013**.

So ordered.

ENVIRONMENTAL APPEALS BOARD

Date:

October 24, 2013

By:

Kathie A. Stein

Kathie A. Stein
Environmental Appeals Judge

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing Order Granting Second Motion for Extension of Time to File Petition for Review in the matter of Joint Base Lewis-McChord Municipal Separate Storm Sewer System, NPDES Appeal No. 13-09, were sent to the following persons in the manner indicated:

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Dated: OCT 24 2013


Annette Duncan
Secretary