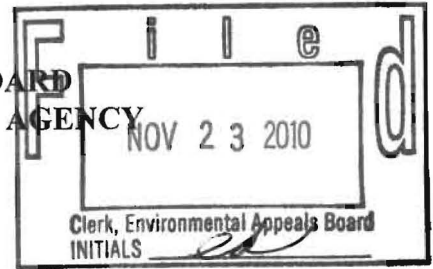


BEFORE THE ENVIRONMENTAL APPEALS BOARD
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C.



)
In re:)
City of Twin Falls) NPDES Appeal Nos. 09-12 & 10-08
Wastewater Treatment Plant)
)
Permit No. ID-002127-0)
_____)

ORDER GRANTING STAY
AND
SCHEDULING STATUS REPORTS

On November 4, 2010, the City of Twin Falls (“City”) filed an unopposed motion requesting a six-month stay of the proceedings in the above-captioned matter. The City explained that it had reached an informal agreement with U.S. EPA Region 10 (“Region 10”) that would resolve all the issues presented in the City’s two Petitions for Review, contingent upon the approval and issuance of a new section of the *Upper Snake Rock Subbasin TMDL* for the City of Twin Falls, Idaho (“TMDL”). To assist the Environmental Appeals Board (“Board”) in ruling on the motion, the Board issued an order directing the parties to provide additional information delineating the process for the TMDL modification and a schedule of the milestones expected to be accomplished throughout the requested six-month period. On November 17, 2010, Region 10 filed a response to the Board’s order explaining that: it intends to modify the permit condition that is the subject of this petition based on the modified TMDL; the Idaho Department of Environmental Quality (IDEQ) has already initiated the TMDL modification process; IDEQ intends to submit a revised TMDL for EPA review and approval by mid-December 2010; and Region 10 estimates that it will take approximately five and a half months from the time IDEQ

submits a revised TMDL to issue a final permit modification incorporating effluent limits based on the revised TMDL.

Upon consideration the Board hereby grants the parties' request to stay this matter until May 30, 2011. In addition, the parties shall file joint reports on December 30, 2010, and March 30, 2011, explaining the status of this matter, which shall include a discussion of whether it is appropriate to continue or modify the stay, or dismiss the petition.¹

So ordered.

Dated:

November 23, 2010

By:


Kathie A. Stein
Environmental Appeals Judge

¹ 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 Stay and Scheduling Status Reports, NPDES Appeal Nos. 09-12 & 10-08, were sent to the following persons in the manner indicated:

By EPA Pouch Mail and via fax:

Stephanie Yu
Assistant Regional Counsel
U.S. EPA Region 10
1200 Sixth Avenue, Suite 900, ORC-158
Seattle, WA 98101
Fax #: (206) 553-0163
Phone: (206) 553-1138

**By First Class Mail Postage Prepaid
and via fax:**

Fritz Wonderlich
Wonderlich & Wakefield
Attorney at Law
P.O. Box 1812
Twin Falls, Idaho 83303-1812
Fax #: (888) 789-0935
Phone: (208) 352-0811

Dated: NOV 23 2010


Annette Duncan
Secretary