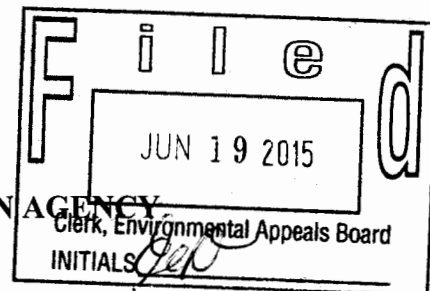


ENVIRONMENTAL APPEALS BOARD  
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C.



In re: )  
)  
)  
Star Sewer and Water District ) NPDES Appeal No. 15-07  
Wastewater Treatment Plant )  
)  
)  
NPDES Permit No. ID0023591 )  
)  
)

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

On June 17, 2015, Region 10 ("Region") of the U.S. Environmental Protection Agency filed a second motion for an extension of time to file its response to the petition for review that the permittee, Star Sewer and Water District ("Star"), filed in the above-captioned matter. EPA Region 10's Second Motion for Extension of Time to File Response Brief (June 17, 2015) ("Motion"). The Board previously granted the Region an extension of time to file its response to the petition for review, which is currently due on June 24, 2015. *See* Order Granting Motion for Extension of Time to File Response (May 19, 2015).

The Region requests an additional four weeks to file its response to Star's petition for review, until July 22, 2015. In support of its motion, the Region avers that Star's petition raises a number of issues regarding the interaction of state water quality standards and federal National Pollutant Discharge Elimination System ("NPDES") permitting regulations. Motion at 2. The Region states that it must closely coordinate with multiple EPA Headquarters offices to respond to this petition, and that due to schedule conflicts, the Region and the Office of General Counsel were unable to schedule a meeting with key individuals at EPA Headquarters until Monday, June 22, 2015. *Id.* In addition, counsel for the Region avers that she will be on planned annual

leave between June 25, 2015 and July 13, 2015. *Id.* The Region states that the chlorine and effluent limits in the final NPDES permit are stayed indefinitely until the appeal is resolved, and that the compliance schedules for each of these effluent limits are sufficiently long such that a 30-day extension would not cause Star any hardship in its efforts to meet its obligations under the compliance schedules. *Id.*

On June 18, 2015, the Board received from Star a response opposing the Region's motion for a second extension of time. *See* Objection to EPA's Motion for Extension of Time to File Response Brief (June 18, 2015). Star avers that the Region has had ample time to prepare a response brief, and that it should not be Star's burden to demonstrate hardship that may result from the Region's request for an extension. *Id.* Star also states that it hired private counsel in order to timely file a petition for review before the Board. *Id.*

The Region avers that it contacted counsel for the Idaho Department of Environmental Quality ("IDEQ") on June 16, 2015, and that counsel for IDEQ indicated they do not oppose this motion.

Upon consideration, the Board hereby **GRANTS** the Region's motion for an extension of time to file its response to Star's petition for review. The Region has made clear that it must confer with staff from multiple offices at EPA Headquarters to address the intersection between state water quality standards and NPDES permitting requirements. Given that the meeting with key representatives from the Office of General Counsel will not occur until two days before the response brief is currently due, the Board is inclined to grant the Region's motion to allow the Region to formulate an informed response to the petition for review.<sup>1</sup> The Region's response,

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<sup>1</sup> Absent extraordinary circumstances, further extensions of time for filing the Region's response will not be granted in this matter.

along with a certified index to the administrative record and relevant portions of the administrative record, shall be filed<sup>2</sup> on or before **Wednesday, July 22, 2015**.<sup>3</sup>


So ordered.

ENVIRONMENTAL APPEALS BOARD

Dated:

*June 19, 2015*

By:



Kathie A. Stein

Environmental Appeals Judge

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<sup>2</sup> Documents are "filed" with the Environmental Appeals Board on the date they are received. 40 C.F.R. § 124.19(i).

<sup>3</sup> Any entity that may wish to participate in this appeal should take into account the new deadline that applies to the Region's response to the petition for review. See 40 C.F.R. §§ 124.19(b)(4), (e).

## CERTIFICATE OF SERVICE

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

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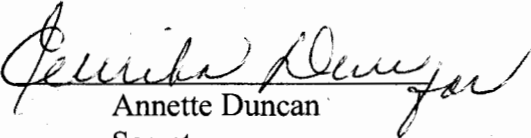
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Dated: *June 19, 2015*

  
Annette Duncan  
Secretary