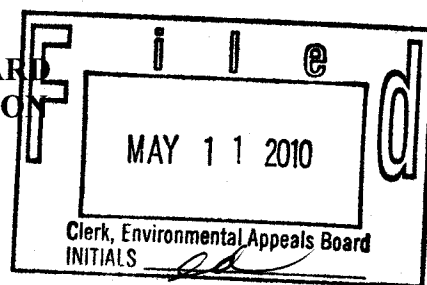


BEFORE THE ENVIRONMENTAL APPEALS BOARD
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C.



In re:)
)
San Jacinto River Authority)
)
NPDES Permit No. TX0054186)
)

NPDES Appeal No. 09-09

**ORDER RESCHEDULING ORAL ARGUMENT AND
GRANTING NACWA'S MOTION FOR LEAVE TO FILE
AMICUS CURIAE REPLY BRIEF**

By Order dated April 14, 2010, the Environmental Appeals Board scheduled oral argument in this matter. By motion dated May 5, 2010, U.S. Environmental Protection Agency, Region 6 ("Region"), requests to change the oral argument date, from June 10, 2010, to June 7, 2010, to accommodate its technical expert's schedule. The Region represents that the petitioner, San Jacinto River Authority ("SJRA"), does not oppose the motion. Also by motion dated May 5, 2010, the National Association of Clean Water Agencies ("NACWA"), which is participating as *amicus curiae*, seeks to participate in the oral argument and present argument for five (5) minutes. NACWA further seeks to strike the Region's response to NACWA's *amicus curiae* brief filed on March 30, 2010, or, in the alternative, leave to file a reply to the Region's April 14, 2010 response brief.

The oral argument in this matter is rescheduled for Monday, June 7, 2010, beginning at 10:00 a.m. EDT, in the Administrative Courtroom, U.S. Environmental Protection Agency, EPA East Building, Room 1152, 1201 Constitution Avenue, N.W., Washington, D.C. The Board has allocated sixty (60) minutes total for this oral argument, divided as follows: thirty (30) minutes for SJRA and thirty (30) minutes for the Region. At the outset of proceedings, SJRA may reserve up to five (5) minutes of its allocated time for rebuttal. SJRA may choose to cede an additional five (5) minutes of its allotted time to NACWA, allowing NACWA five (5) minutes

to present oral argument and San Jacinto twenty-five (25) minutes total to present oral argument and rebuttal, if any.

The parties shall notify the Clerk of the Board in writing by Tuesday, June 1, 2010, of the names of counsel who will present argument. Counsel for the parties are advised that the Administrative Courtroom is equipped with state-of-the-art video-conferencing equipment and, accordingly, either party may participate in the oral argument by video conference without attending in person. Counsel for either party who wish to participate in this oral argument via video-conferencing shall contact the Clerk of the Board, at 202-233-0122, no later than Tuesday, June 1, 2010, to make arrangements for the use of the video conference equipment.

Finally, because NACWA's *amicus curiae* reply brief will not result in undue delay or in any prejudice to either party, the Board grants NACWA's motion for leave and accepts for filing NACWA's Amicus Curiae Reply Brief dated May 5, 2010. The Board denies NACWA's motion to strike.

So ordered.

Dated: *May 11, 2010*

ENVIRONMENTAL APPEALS BOARD

By: _____



Kathie A. Stein
Environmental Appeals Judge

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing Order Rescheduling Oral Argument and Granting NACWA's Motion for Leave to File Amicus Curiae Reply Brief in *In re San Jacinto River Authority*, NPDES Appeal No. 09-09, were sent to the following persons in the manner indicated:

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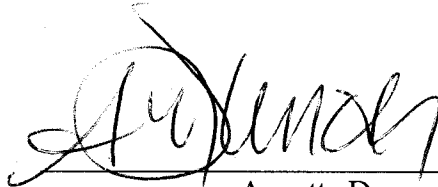
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Date: MAY 11 2010



Annette Duncan
Secretary