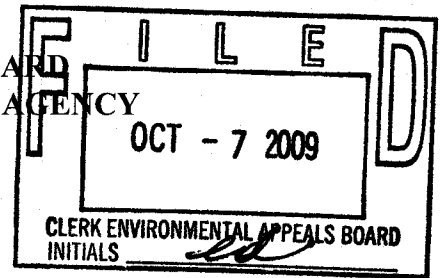


BEFORE THE ENVIRONMENTAL APPEALS BOARD
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C.



In re:)
)
)

City & County of Honolulu)
Sand Island Wastewater Treatment Plant)
Honouliuli Wastewater Treatment Plant)

NPDES Permit Nos. HI0020117 & HI0020877)
)

NPDES Appeal No. 09-01

ORDER SCHEDULING ORAL ARGUMENT

On January 6, 2009, Region 9 of the U.S. Environmental Protection Agency issued final decisions denying renewals of Clean Water Act § 301(h) variances for the Honouliuli Wastewater Treatment Plant and the Sand Island Wastewater Treatment Plant, two facilities owned and operated by the City and County of Honolulu (“CCH”) on the island of Oahu in Hawaii. Without continued variances, CCH’s wastewater treatment plants will have to attain technology-based effluent limits – based on secondary treatment – for their discharges of biochemical oxygen demand and suspended solids.

On March 11, 2009, CCH filed with the Environmental Appeals Board (“Board”) a petition for review of these two permitting decisions, arguing on a number of grounds that the variance denials should be remanded to Region 9 for further evaluation. The Region filed a response to the petition on May 29, 2009, to which CCH filed a reply on July 15, 2009. The Region subsequently filed a surreply to CCH’s reply on August 17, 2009. On September 14, 2009, CCH filed a request for oral argument, which the Region did not oppose.

After reviewing the appellate briefs and various portions of the two permitting records, the Board has determined that oral argument will assist it in its deliberations regarding this

appeal. Accordingly, the parties are hereby requested to participate in oral argument beginning at 3 p.m. EST on Thursday, November 19, 2009, in the Administrative Courtroom, U.S.

Environmental Protection Agency, EPA East Building, 1201 Constitution Avenue, N.W., Room 1152, Washington, D.C. The Board has allocated ninety minutes for this oral argument, divided as follows: (1) forty-five minutes for CCH; and (2) forty-five minutes for Region 9. CCH will proceed first and may reserve ten minutes of its allotted time for rebuttal if it so chooses. The Region will proceed second.

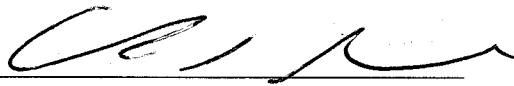
The parties must notify the Clerk of the Board in writing by Thursday, November 5, 2009, of the names of counsel who will present oral argument on November 19th. If counsel for any of the parties wishes to participate in the argument using the EPA video-conferencing equipment in the Administrative Courtroom, counsel must contact the Clerk of the Board, at 202-233-0122, also by Thursday, November 5, 2009, to make arrangements for the use of such equipment.

Finally, CCH and the Region asked the Board to identify specific issues to be addressed at the oral argument. Should the Board decide that a narrowing of issues for argument would be helpful, it will so notify the parties in a subsequent order.

So ordered.

Dated: 10/7/09

ENVIRONMENTAL APPEALS BOARD

By: 
for Kathie A. Stein
Environmental Appeals Judge

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing **Order Scheduling Oral Argument** in the matter of *City & County of Honolulu*, NPDES Appeal No. 09-01, were sent to the following persons in the manner indicated:

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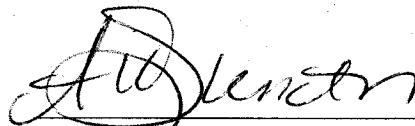
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OCT - 7 2009
Date: _____



Annette Duncan
Secretary