

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

_____)	
In re:)	
CITY OF SANDPOINT)	Appeal No. NPDES 18-01
WASTEWATER TREATMENT PLANT)	ICL’s UNOPPOSED MOTION FOR
NPDES Permit No. ID0020842)	EXTENSION OF TIME TO FILE
_____)	REPLY BRIEF

The Idaho Conservation League (“ICL”) respectfully requests an extension of time in which to file its reply brief to Appeal No. NPDES 18-01. The extension would move the date by which ICL must reply to the United States Environmental Protection Agency, Region 10 (“Region”) and Idaho Department of Environmental Quality (“IDEQ”) Response Briefs from October 9, 2018 to October 24, 2018. As grounds for the motion, ICL states as follows:

1. On July 11, 2018, ICL filed with the Environmental Appeals Board (“EAB”) a Petition for Review of NPDES Permit No. ID0020842 issued to the City of Sandpoint Wastewater Treatment Plant (“Facility”). This Petition was assigned Appeal No. NPDES 18-01.
2. On July 27, 2018 and July 30, 2018, IDEQ and the Region, respectively, filed unopposed motions for extension of time to file response briefs with the EAB in Appeal No. NPDES 18-01. Both the Region and IDEQ requested to extend the deadline for filing response briefs by 45 days. ICL did not object to these motions.

3. On August 2, 2018, the EAB extended the response brief deadline for both the Region and IDEQ to September 24, 2018, giving both parties a total of 75 days to file response briefs.
4. Pursuant to 40 C.F.R. § 124.19 (c)(2), “petitioner may file a reply within 15 days after service of the response.” Based on the new September 24, 2018 response brief deadline, ICL’s reply brief is currently due on October 9, 2018.
5. Replying to both the Region’s and IDEQ’s response briefs will require extensive research into and evaluation of the Respondents’ citation to the rulemaking history and voluminous state agency record, as suggested by IDEQ’s motion for extension. *See* IDEQ’s Unopposed Motion for Extension of Time to File Response Brief (July 27, 2018) at 2.
6. Further complicating ICL’s ability to file a reply brief 15 days after the service of the response is previously scheduled work travel and vacation. Counsel for ICL will be out of the office from September 24, 2018 to September 28, 2018, from October 4, 2018 to October 7, 2018, and from October 18, 2018 to October 21, 2018.
7. On July 23, 2018, in phone conversations with ICL’s counsel, both EPA’s regional attorney and IDEQ’s assistant attorney general assigned to this appeal indicated that they did not object to ICL’s request to extend the reply brief deadline. There are no other parties to the proceedings.

8. Accordingly, ICL requests that the EAB grant an extension on the time to file a response brief to October 24, 2018.



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Date: August 17, 2018

CERTIFICATE OF SERVICE

I certify that copies of the foregoing “ICL’s Unopposed Motion for Extension of Time to File Reply Brief” in the matter of the City of Sandpoint Wastewater Treatment Plant, Appeal No. 18-01, were served, by the method indicated, on the following persons, this August 17, 2018:

Clerk of the Board
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[VIA Electronic Filing]

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