

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

)	
In re:)	
)	
City and County of San Francisco)	Appeal No. 20-01
)	
NPDES Permit No. CA0037681)	
)	

ORDER GRANTING EXTENSION OF TIME

The United States Environmental Protection Agency, Region 9, and the City and County of San Francisco, California (“San Francisco”), filed with the Environmental Appeals Board (“Board”) a joint motion for an extension of time for the filing of response, reply, and amicus briefs in this petition for review of a National Pollution Discharge Elimination System (“NPDES”) permit. Currently, the Region’s response brief is due February 12, 2020, and San Francisco’s reply and any amicus briefs are due on February 27, 2020.¹ See 40 C.F.R. § 124.19(b)(2) & (e). Both the Region and San Francisco cite as grounds for the extensions that “[t]he Petition raises a substantively complex, distinct, and varied range of issues, including important legal and policy questions turning on interpretation of the Clean Water Act and its implementing regulations.” U.S. EPA Region 9 and City and County of San Francisco Joint Motion for Extension of Time 1 (Feb. 10, 2020). Additionally, the Region states that it needs

¹ The joint motion was filed after the close of business on February 10, 2020. For future motion practice, the parties should be aware that EPA’s permit appeal regulations specify that motions for an extension of time “must” be filed “sufficiently in advance of the due date * * * to provide the Environmental Appeals Board with a reasonable opportunity to issue an order.” 40 C.F.R. § 124.19(g).

additional time to coordinate with EPA's Office of Water and Office of General Counsel, which are located at EPA headquarters in Washington, DC.

Based on the representations in the joint motion, the Board GRANTS the parties' joint request for an extension of time for response, reply, and amicus briefs in accord with the parties' suggested due dates. The briefing schedule going forward shall be as follows:

1. Region 9's brief responding to San Francisco's petition must be filed on or before **Friday, February 28, 2020**. The Region must file a certified index to the administrative record and the relevant portions of the administrative record on or before that same date. *See* 40 C.F.R. § 124.19(b)(2).
2. If San Francisco chooses to file a reply brief, the reply brief must be filed on or before **Wednesday, March 25, 2020**.
3. Any amicus briefs must be filed on or before **Wednesday, March 25, 2020**.

Finally, pursuant to 40 C.F.R. § 124.19(i)(3)(iii), the Board may use electronic mail (Clerk_EAB@epa.gov) to serve orders and decisions in this matter at the addresses provided by the parties. Parties shall promptly notify the Board and the other parties of any change to their email address.

So ordered.

Dated: February 11, 2020

ENVIRONMENTAL APPEALS BOARD

By:  _____

Aaron P. Avila

Environmental Appeals Judge

CERTIFICATE OF SERVICE

I certify that copies of the *Order Granting Extension of Time* in the matter of City and County of San Francisco, NPDES Appeal No. 20-01, were sent to the following persons by email:

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Dated: February 11, 2020

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Eurika Durr
Clerk of the Board