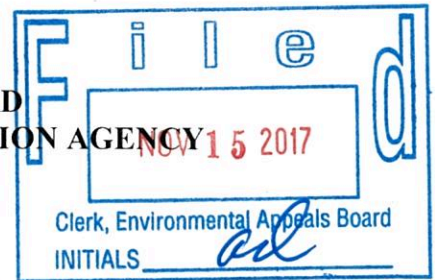


ENVIRONMENTAL APPEALS BOARD
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C.



_____)
In re:)
)
City of Ruidoso Downs and Village of) NPDES Appeal No. 17-03
Ruidoso WWTP)
)
NPDES Permit No. NM 0029165)
_____)

**ORDER GRANTING JOINT MOTION TO ESTABLISH
A REVISED BRIEFING SCHEDULE**

On November 7, 2017, the Board received a joint motion from the permit issuer EPA Region 6 (“Region”), the City of Ruidoso Downs and Village of Ruidoso WWTP (“City of Ruidoso”), and Petitioner Rio Hondo Land & Cattle Company (“Rio Hondo”) requesting an extension of time to file the response and reply briefs in this matter.¹ The parties jointly request that the Board extend the time for filing the response briefs to January 18, 2018, and the reply brief to March 3, 2018.

In support of the motion, the parties state that the issues raised by this petition are central to EPA’s implementation nationally of the NPDES program (including “anti-backsliding” under the Clean Water Act) and require EPA Region 6 to closely consult and coordinate with the EPA Office of Water and the EPA Office of General Counsel and that more time would allow for a better opportunity to coordinate these efforts. The parties also state that Petitioner Rio Hondo supports this motion because EPA Region 6 has agreed to an adjustment of the due date for its

¹ The Petition for Review in this matter was filed on August 22, 2017. At that time, Petitioners sought and the Board granted an extension of time to file their brief in support of the petition. Petitioner’s brief was filed October 12, 2017, and, based on that filing date, the Region’s Response was due November 14, 2017.

reply. Motion at 2-3. All parties agree that “no party will be adversely affected by the proposed revision to the briefing schedule. *Id.*

Additionally, in response to the Board’s request for more information, the Region indicates that it has initiated consultation with EPA’s Office of Water and Office of General Counsel and that these offices have “specifically concurred with” the dates in the proposed briefing schedule. *See* Joint Supplement to Joint Motion at 2 (Nov. 14, 2017). Counsel for Rio Hondo also explains that the additional six weeks for its reply brief is necessary due to other conflicting obligations of counsel and assures the Board that he will be able to complete the reply memorandum by the proposed deadline without the need for further extension. *Id.* at 3. Ruidoso states that it also requires additional time to sufficiently coordinate and to file a complete response. *Id.* at 4. All parties state that they have worked together to meet each other’s needs and that all fully support the proposed revised briefing schedule.

Having fully considered the Joint Motion and the Supplement to the Joint Motion to establish a revised briefing schedule, and for good cause shown, the Board determines that a revised briefing schedule is warranted. *See* 40 C.F.R. § 124.19(n). Accordingly, the Board GRANTS the Joint Motion to revise the briefing schedule as proposed. Response briefs in this matter must be filed no later than **January 18, 2018**. The reply brief, if any, must be filed no later than **March 3, 2018**.

So ordered.

Dated: Nov. 15, 2017

ENVIRONMENTAL APPEALS BOARD

By: Mary Kay Lynch
Mary Kay Lynch
Environmental Appeals Judge

CERTIFICATE OF SERVICE

I certify that copies of the forgoing *Order Granting Joint Motion to Establish a Revised Briefing Schedule* in the matter of City of Ruidoso Downs and Village of Ruidoso WWTP, NPDES Appeal No. 17-03, were sent to the following persons in the manner indicated:

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Dated: NOV 15 2017



Annette Duncan
Administrative Specialist