



United States of America
Environmental Protection Agency

A FAX FROM:

TO:

Clerk of the Board

cc: Justin Hayes
Fritz Wanderlich

FAX NO.:

202-233-0121

208-344-0344

888-789-0935

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15 FEB 11
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EPA REGIONAL APPEALS BOARD

SUBJECT:

EPA Region 10's Third Motion for Extension

FROM:

Peter Font, Asst. Reg. Counsel (on detail)

PHONE NO.:

206-553-2116

OFFICE:

Region 10
Office of Regional Counsel

FAX NO. FOR:

(206) 553-0163

COMMENTS:

NPDES Appeal Nos. NPDES 09-12 & 09-13

DATE and TIME:

01/28/10

NO. of PAGES:

6 (including cover)



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10
1200 Sixth Avenue, Suite 900
Seattle, WA 98101-3140

OFFICE OF
REGIONAL COUNSEL

January 28, 2010

Via Facsimile and U.S. Mail

U.S. Environmental Protection Agency
Clerk of the Board
Environmental Appeals Board 1103B
Ariel Rios Building
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460-0001

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ENVIRONMENTAL APPEALS BOARD

Re: City of Twin Falls
NPDES Permit No. ID-002127-0
NPDES Appeal Nos. NPDES 09-12 and 09-13

Dear Sir or Madam:

Enclosed please find the original and five (5) copies of EPA Region 10's Third Motion for Extension in the above-referenced matter. If you have any questions, please call me at (206) 553-2116.

Sincerely,

Peter Z. Ford
Assistant Regional Counsel (on detail)

Enclosures

cc: Justin Hayes, Idaho Conservation League
Fritz Wonderlich, Wonderlich & Wakefield

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U.S. EPA

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ENVIRONMENTAL APPEALS BOARD

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
ENVIRONMENTAL APPEALS BOARD

In the Matter of:)
CITY OF TWIN FALLS)
NPDES Permit No. ID-002127-0)

Appeal Nos. NPDES 09-12, 09-13
EPA REGION 10'S
THIRD MOTION FOR EXTENSION

The United States Environmental Protection Agency, Region 10 ("Region") respectfully requests an additional extension of time in which to file its response briefs to Appeal Nos. NPDES 09-12 and 09-13. The Region requests an additional four (4) weeks to respond to the Petitions for Review filed by the City of Twin Falls ("City") and Idaho Conservation League ("ICL"), in the above-captioned matter. The extension would move the date by which the Region must respond to the Petitions from February 8, 2010 to March 8, 2010. As grounds for the motion, the Region states as follows:

- 1. On October 21, 2009, the City filed with the Environmental Appeals Board ("EAB") a Petition for Review of NPDES Permit No. ID-002127-0 issued to the

1 City's waste water treatment facility ("Permit"). This Petition for Review was
2 assigned Appeal No. NPDES 09-12. On October 26, 2009, the EAB sent the
3 Region a letter which established a response date to the City's Petition for Review
4 of December 8, 2009.

5 2. Subsequently, on October 26, 2009, ICL filed with the EAB a Petition for Review
6 of the Permit. This Petition for Review was assigned Appeal No. NPDES 09-13.
7 On October 28, 2009, the EAB sent the Region a letter which established a
8 response date to ICL's Petition for Review of December 14, 2009.

9 3. On November 23, 2009, the Region filed with the EAB a Motion for Extension
10 and Single Response Date.

11 4. On December 1, 2009, the EAB granted the Region's Motion for Extension and
12 Single Response Date. As such, currently, the Region's response briefs were due
13 on January 11, 2010.

14 5. On December 28, 2009, the Region filed with the EAB a Motion for Extension.

15 6. On December 29, 2009, the EAB granted the Region's Motion for Extension. As
16 such the Region's response briefs are currently due on February 8, 2010.

17 7. The Region appreciates the Board's understanding in granting the previous
18 extensions and wants the Board to know it does not lightly ask for additional time.

19 However, due to the complexity of the issues raised in both Petitions, the Region
20 continues to need additional time to ensure sufficient coordination with EPA

21 Headquarters in preparing its response briefs to the Petitions. Moreover, the

22 Office of Regional Counsel attorney assigned to this case, Courtney Weber, has

23 been out of the office on maternity leave since January 4, 2010, and was replaced

24 by another attorney on detail from the Office of General Counsel, Peter Ford, on
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January 25, 2010. Mr. Ford just last week re-located himself and his family to Seattle from Washington, D.C.

8. As such, the Region requests that the EAB grant an additional four (4) week extension on the response briefs to March 8, 2010.

9. The Region has reached ICL who has indicated that it does not object to the requested extension.

10. The Region has attempted to contact counsel for the City but has been unable to reach counsel for the City to determine whether the City will oppose this Motion.

DATED: January 28, 2010

Respectfully Submitted



Peter Z. Ford
Assistant Regional Counsel (on detail)
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CERTIFICATE OF SERVICE

I certify that the foregoing "EPA Region 10's Third Motion for Extension" was sent to the following persons, in the manner specified, on the date below:

Original plus 5 copies, by fax and U.S. Mail:

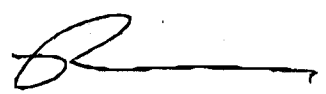
U.S. Environmental Protection Agency
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Environmental Appeals Board 1103B
Ariel Rios Building
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460-0001
Fax No.: (202) 233-0121

A true and correct copy, by fax and U.S. Mail:

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DATED: January 28, 2010



Peter Z. Ford
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U.S. EPA, Region 10