

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

In re:)	
)	Appeal No. NPDES 12-04
Alyeska Pipeline Service Company,)	
Valdez Marine Terminal)	
NPDES Permit No. AK-002324-8)	MOTION FOR EXTENSION
)	
_____)	

The Environmental Protection Agency, Region 10, respectfully requests a 28-day extension of time to file its response to the Petition for Review filed by the Alyeska Pipeline Service Company. Region 10 has consulted with Alyeska’s counsel, who has indicated that Alyeska does not object to requested extension. The grounds for Region 10’s motion are set forth below.

Alyeska filed its Petition for Review on November 29, 2012. By letter dated December 5, 2012, the EAB notified Region 10 that the Petition had been filed and set January 25, 2012 as the deadline for the Region’s response. On December 12, 2012, in accordance with 40 C.F.R. § 124.16(a), the Region notified Alyeska of those permit conditions that are stayed by the petition, and that all uncontested permit conditions will become fully enforceable permit obligations 33 days after the date of mailing. *See* EAB Docket No. 3.

Although relatively brief, the Petition raises several complex, technical issues related to whole effluent toxicity testing and associated triggers. Region 10 has begun analyzing the

Petition and will diligently assess the technical and legal arguments, while coordinating its response internally - including with EPA Headquarters - and preparing the administrative record and index for filing. Counsel for EPA that is generally assigned to such matters, however, is on extended leave and will not return until January 7, 2013. This fact, along with the intervening holidays and other staffing shortages in Region 10, will make it difficult for the Region to respond effectively in the allotted time.

As noted above, Alyeska does not object to this motion and there are no other parties to the proceeding. In addition, all permit conditions other than the contested conditions related to WET testing will be final and effective on January 14, 2013. Thus, an extension will not cause hardship or prejudice to any party. In addition, the requested extension is sufficiently brief to avoid delay in resolving the issues raised by Alyeska's Petition. Region 10 therefore requests that the EAB grant an additional 28 days, until February 22, 2013, to file its response to the Petition for Review.

Respectfully submitted this 20th day of December 2012.

ENVIRONMENTAL PROTECTION AGENCY, REGION 10

/s/

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CERTIFICATE OF SERVICE

I certify that the foregoing "Motion for Extension of Time" was sent to the following persons, in the manner specified, on the date below:

By electronic filing to:

U.S. Environmental Protection Agency
Clerk of the Board
Environmental Appeals Board
1341 G Street, N.W., Suite 600
Washington, DC 20005

By electronic and first class mail to:

Svend Brandt-Erichsen
Marten Law PLLC
1191 Second Avenue, Ste. 2200
Seattle, WA 98110
Email: svendbe@martenlaw.com

Dated: December 20, 2012

_____/s/_____
Kimberly A. Owens
U.S. EPA, Region 10