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BEFORE THE ENVIRONMENTAL APPEALS BOARD DEC 13 PM 4:02
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. ENV. APPEALS BOARD

In re:)
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Dry Creek Rancheria)

NPDES Appeal No. 07-14; 07-15

NPDES Permit No CA 0005241)
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**MOTION FOR EXTENSION OF TIME TO FILE PAPERS
RESPONDING TO PETITIONS FOR REVIEW**

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MOTION

The County of Sonoma and Sonoma County Water Agency ("County") and Alexander Valley Association ("AVA") each petitioned for review of NPDES Permit Number CA0005241 ("Permit"), which the U.S. Environmental Protection Agency, Region Nine ("Region") issued to the Dry Creek Rancheria Band of Pomo Indians ("Permittee") on April 30, 2007. The Environmental Appeals Board has extended the time for the Region and Permittee to respond to the petitions to December 21, 2007.

The County, AVA, and Permittee have been engaged in a complex mediation before a retired Federal Court Judge and a related set of negotiations designed to settle several issues between the parties, including disputes related to the instant Permit, the Permittee's separate application for a license to sell alcohol, and the Permittee's development plans for three separate parcels in the County. The settlement discussions have grown more complicated over time, however, significant progress has been made and the rough draft agreement between the parties currently totals more than 40 pages and includes 12 separate exhibits.

Although the mediation and related negotiations has taken longer than expected, the negotiation and document drafting are in the final stages and the parties expect to come to a final agreement in January or early February 2008. An agreement would result in a withdrawal of the petitions for review, obviating the need for the Region and Permittee to respond.

The County therefore moves for an extension of the Permittee's and Region's time to respond to February 22, 2008. The Petitioners' time to file any requested reply papers would run from February 22, 2008.

The parties respect that the Board has granted several extensions in this matter, and intends to give more scrutiny to future requests. The parties respectfully submit that the requested extension would be the last extension necessary in this matter. The parties intend to save judicial resources by settling this matter informally, and will promptly advise the Board if they resolve this matter before February 22, 2008.

Dated: December 12, 2007

STEVEN M. WOODSIDE, County Counsel

By:



JEFFREY M. BRAX
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Attorneys for Petitioners
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Sonoma County Water Agency

CERTIFICATE OF SERVICE

I hereby certify that copies of the forgoing Motion for Extension of Time to File Papers Responding to Petitions for Review were sent to the following persons in the manner indicated:

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Dated: December 12, 2007


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