



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 6
1445 ROSS AVENUE, SUITE 1200
DALLAS, TX 75202-2733

October 9, 2009

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

VIA FEDEX

Re: San Jacinto River Authority, Appeal No. NPDES 09-09

Dear Clerk of the Board:

Enclosed for filing is the original and five copies of Respondent's Motion for Extension of Time to Submit a Response to Petitioner's Contentions.

Sincerely,

A handwritten signature in black ink, appearing to read "T.D. Gillespie".

Thomas David Gillespie
Assistant Regional Counsel

cc: Lauren Kalisek, Esq.
Steve Sweeney, Esq.

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

In the Matter of:)
)
) Appeal No. NPDES 09-09
)
)
San Jacinto River Authority)
)
)
Permit No. TX0054186)

**RESPONDENT'S MOTION FOR EXTENSION OF TIME TO SUBMIT A RESPONSE
TO PETITIONER'S CONTENTIONS**

The United States Environmental Protection Agency, Region 6 (Respondent or Region 6) requests a 60-day extension of time in order to respond to the Petition for Review filed by San Jacinto River Authority (Petitioner or SJRA) on August 24, 2009, in the above-captioned matter. A 60-day extension would change the Region 6 response date from October 15, 2009, to December 14, 2009. Respondent requests this extension because Region 6 needs the additional time, among other things, to fully evaluate SJRA's petition, including several hundred pages of exhibits of a highly technical nature, discuss the complex issues presented internally to identify issues for which a response should be coordinated, and if necessary, resolved with Headquarters offices, and to organize and index the administrative record which consists of upwards of an estimated 5,000 pages of documents.

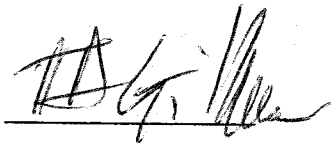
The Petitioner has been operating under its current NPDES permit with a stay of the contested permit conditions. Therefore, Respondent has shown good cause, and there will be no prejudice to the Petitioner. *In the Matter of Gwinnett County Department of Public Utilities*, 1997 WL 737974, *3 (EAB 1997) (motion for extension of time may be granted where the

moving party shows good cause and there will be no prejudice to the non-moving party); *In re B & B Wrecking and Excavating, Inc.*, 4 E.A.D. 16 (EAB 1992) (same).

For the reasons set forth above, Respondent requests that the Environmental Appeals Board extend the current deadline by which Region 6 must file a response until Monday, December 14, 2009.

Respectfully submitted this 9th day of October, 2009.

United States Environmental Protection Agency, Region 6



Thomas David Gillespie, Assistant Regional Counsel
Office of Regional Counsel, EPA Region 6
Arkansas Bar No. 96210

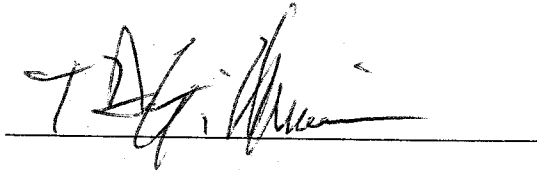
United States Environmental Protection Agency
Region 6
1445 Ross Avenue, Suite 1200
Dallas, Texas 75202-2733

Of Counsel:

Stephen Sweeney
Water Law Office (2355A)
Office of General Counsel

CERTIFICATE OF SERVICE

I hereby certify that on this 9th day of October, 2009, copies of the foregoing were served upon Lauren Kalisek, attorney for the San Jacinto River Authority, by FedEx delivery, properly addressed and with sufficient postage affixed thereto to ensure proper delivery, and to the Clerk of the Board, Environmental Appeals Board, by FedEx.



Thomas David Gillespie

MAILING LIST

VIA FEDEX

Lauren Kalisek, Esq.
Loyd Gosselink Blevins Rochelle & Townsend, P.C.
816 Congress Avenue, Suite 1900
Austin, Texas 78701

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