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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
ENVIRONMENTAL APPEALS BOARD

In the Matter of:	)	Appeal Nos. NPDES 13-10
	)	
City of Homedale	)	<b>EPA REGION 10'S</b>
Wastewater Treatment Plant	)	<b>MOTION FOR EXTENSION OF TIME</b>
	)	<b>TO FILE RESPONSE BRIEF</b>
NPDES Permit No. ID-002042-7	)	

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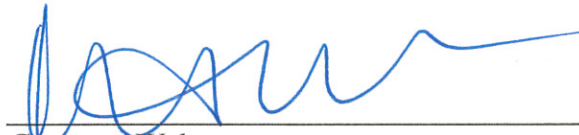
The United States Environmental Protection Agency, Region 10 ("Region") respectfully requests an extension of time in which to file its response brief to Appeal No. 13-10. The extension would move the date by which the Region must respond to the Petition for Review ("Petition") filed by Idaho Conservation League ("ICL") from October 30, 2013 to December 6, 2013. As grounds for the motion, the Region states as follows:

- On September 30, 2013, ICL filed with the Environmental Appeals Board ("EAB") a Petition for Review of NPDES Permit No. ID-002042-7 issued to the City of Homedale Wastewater Treatment Plant ("Facility"). This Petition for Review was assigned Appeal No. NPDES 13-10.

- 1           2.     Pursuant to 40 C.F.R. § 124.19(b)(2), “the Regional Administrator must file a  
2           response to the petition, a certified index of the administrative record, and the  
3           relevant portions of the administrative record within 30 days after the filing of the  
4           petition.” Therefore, the Region’s response brief is currently due on October 30,  
5           2013.
- 6           3.     Subsequent to the filing of the Petition, on October 1, 2013, normal EPA  
7           operations shut down due to a lapse of funding. The government shutdown ended  
8           on October 16, 2013. The EPA regional attorney assigned to this case did not  
9           return to the office until October 21, 2013.
- 10          4.     The EPA permit writer will not return to the office until October 28, 2013. As  
11          such, he has not had the opportunity to review the Petition.
- 12          5.     The Headquarters Office of General Counsel attorney who is currently assigned to  
13          review the Region’s response brief is currently scheduled to be out of the office  
14          on November 14<sup>th</sup> and 15<sup>th</sup>, 2013.
- 15          6.     In addition, numerous EPA staff needed to review the response brief will be out  
16          of the office most of the week of November 25, 2013 which is the Thanksgiving  
17          holiday.
- 18          7.     On October 23, 2013, in a phone conversation with the EPA regional attorney,  
19          ICL indicated that it does not object to this motion. There are no other parties to  
20          the proceedings.
- 21          8.     As such, the Region requests that the EAB grant an extension on the time to file a  
22          response brief to December 6, 2013.

1 DATED: October 25, 2013

Respectfully Submitted

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Courtney Weber  
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1 **CERTIFICATE OF SERVICE**

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3 I certify that the foregoing "EPA Region 10's Motion for Extension of Time to File  
4 Response Brief" was sent to the following persons, in the manner specified, on the date below:

5 By electronic filing to:

6 U.S. Environmental Protection Agency  
7 Clerk of the Environmental Appeals Board  
8 1341 G Street NW, Suite 600  
9 Washington, DC 20005

10 By electronic and U.S. Mail to:

11 Justin Hayes  
12 Program Director  
13 Idaho Conservation League  
14 PO Box 844  
15 Boise, Idaho 83701  
16 Email: jhayes@idahoconservation.org

17 DATED: October 25, 2013

18 

19 Courtney Weber  
20 Assistant Regional Counsel  
21 U.S. EPA, Region 10