



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

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ENVIR. APPEALS BOARD

**FAX COVER SHEET**

**TO:** Clerk of the Board, EAB      **DATE:** 8/14/13  
**FAX #:** 202-233-0121      **PHONE#:** 202-233-0122  
**FROM:** Courtney J. Weber      **PHONE #:** 206-553-1477  
U.S. EPA  
Office of Regional Counsel

**NUMBER OF PAGES**  
**INCLUDING COVER SHEET:** 5

**COMMENTS:** Motion to Extend Stay of the Proceedings  
Appeal # NPDES 12-04

U.S. Environmental Protection Agency – Region 10  
1200 Sixth Avenue, Suite # 900  
Seattle, WA 98101-3140  
FAX: (206) 553-1762



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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
ENVIRONMENTAL APPEALS BOARD

In the Matter of:

)  
) Appeal No. NPDES 12-04  
)  
)

Alyeska Pipeline Service Company,  
Valdez Marine Terminal

)  
) **UNOPPOSED MOTION TO EXTEND**  
) **STAY OF THE PROCEEDINGS**  
)  
)

NPDES Permit No. AK-002324-8  
\_\_\_\_\_

The U.S. Environmental Protection Agency Region 10 (Region), Respondent in the above-referenced appeal, hereby moves the Environmental Appeals Board (EAB) to extend the current stay of the proceedings in this matter until October 21, 2013. The basis for this motion is to allow the Region time to complete the modification to the National Pollutant Discharge Elimination System (NPDES) Permit issued to Alyeska Pipeline Service Company (Alyeska), Valdez Marine Terminal, NPDES Permit No. AK-002324-8 (Permit). In support of the Motion, the Region states the following:

UNOPPOSED MOTION TO EXTEND STAY OF THE  
PROCEEDINGS - 1  
Appeal No. NPDES 12-04

U.S. Environmental Protection Agency  
1200 Sixth Avenue, Suite 900  
Seattle, Washington 98101

1206 552 1027

1           1.     On October 30, 2012, the Region issued Alyeska's Permit for discharges from its  
2 ballast water treatment facility.

3           2.     On November 29, 2012, Alyeska filed a Petition for Review with the EAB which  
4 challenges inclusion of certain whole effluent toxicity (WET) monitoring requirements in the  
5 Permit on several grounds.

6           3.     Subsequently, the Region and Alyeska reached a settlement in principle in this  
7 matter where the Region agreed to the removal and modification of certain WET monitoring  
8 provisions in the Permit. subject to public notice and comment.

9           4.     On March 20, 2013, the Region filed an Unopposed Motion to Stay Proceedings  
10 until August 20, 2013 to allow the Region time to propose for public notice and comment and  
11 finalize the modified WET monitoring provisions. The EAB granted this request on March 22,  
12 2013.

13           5.     On July 8, 2013, the Region issued for public notice and comment a proposed  
14 modification to the Permit which reflects the terms of the settlement negotiated with Alyeska.  
15 The comment period ended on August 8, 2013.

16           6.     On August 8, 2013, the Region received comments from Alyeska and the Prince  
17 William Sound Regional Citizen's Advisory Council (RCAC).

18           7.     Given the length of the comments received, EPA is requesting a two month  
19 extension to the current stay of the proceedings.

20           6.     The Region has consulted with counsel for Alyeska who docs not oppose this  
21 motion.

22 //

23 //

24 //

25 //

UNOPPOSED MOTION TO EXTEND STAY OF THE  
PROCEEDINGS - 2  
Appeal No. NPDES 12-04

U.S. Environmental Protection Agency  
1200 Sixth Avenue, Suite 900  
Seattle, Washington 98101

(206) 553 1037

1 For the foregoing reasons, the Region requests a stay of these proceedings until October 21,  
2 2013.

4 DATED: August 14, 2013

Respectfully Submitted,



Courtney Weber  
Assistant Regional Counsel  
EPA Region 10  
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Seattle, WA 98101  
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Fax: 206-553-0163

11 Of Counsel:

12 Pooja Parikh  
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UNOPPOSED MOTION TO EXTEND STAY OF THE  
PROCEEDINGS - 3  
Appeal No. NPDES 12-04

U.S. Environmental Protection Agency  
1200 Sixth Avenue, Suite 900  
Seattle, Washington 98101

(206) 553-1477

CERTIFICATE OF SERVICE

I certify that the foregoing "Unopposed Motion to Extend Stay of the Proceedings" was sent to the following persons, in the manner specified, on the date below:

By facsimile and U.S. Mail to:

Clerk of the Board  
U.S. Environmental Protection Agency  
Environmental Appeals Board  
1200 Pennsylvania Avenue, NW  
Mail Code 1103M  
Washington, DC 20460-0001

By electronic mail and U.S. Mail to:

Svend Brandt-Erichsen  
Marton Law PLLC  
1191 Second Avenue, Ste. 2200  
Seattle, WA 98110  
Email: svcndbc@martonlaw.com

DATED: August 14, 2013



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

UNOPPOSED MOTION TO EXTEND STAY OF THE  
PROCEEDINGS - 4  
Appeal No. NPDES 12-04

U.S. Environmental Protection Agency  
1200 Sixth Avenue, Suite 900  
Seattle, Washington 98101

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