



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 6
1445 ROSS AVENUE, SUITE 1200
DALLAS, TX 75202-2733

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ENVIR. APPEALS BOARD

November 28, 2007

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

Re: San Jacinto River Authority, Appeal No. NPDES 07-19

Dear Clerk of the Board:

Enclosed for filing is the original and five copies of Respondent's Unopposed 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. (attorney for San Jacinto River Authority)
Pooja S. Parikh, Esq. (attorney for EPA Office of General Counsel)

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

In the Matter of:)
)
)

) Appeal No. NPDES 07-19
)
)

San Jacinto River Authority)
)
)

Permit No. TX0054186)
_____)

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

The United States Environmental Protection Agency, Region 6 (Respondent) requests that the Environmental Appeals Board grant a forty-five (45) day extension of time to the Respondent for submitting a response to the "Petition for Review of NPDES Permit Issued by Region 6 on September 28, 2007," (Petition) filed by San Jacinto River Authority (Petitioner) on October 26, 2007, in the above-captioned matter. The extension would move the date by which EPA Region 6 must respond to the Petition from December 17, 2007, to January 30, 2008. Respondent seeks this additional time to enable Respondent to fully respond to the Petitioner's fifty-nine (59) page petition and several hundred pages of exhibits of a highly technical nature. It will also provide Respondent sufficient time to coordinate with the Office of General Counsel and the Office of Water in the development of its response.

Respondent has contacted the attorney for the Petitioner by phone and by e-mail and the

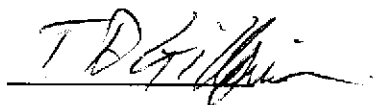
attorney for the Petitioner indicated that Petitioner does not oppose this request for an extension (The e-mail response is attached hereto and incorporated herein as Exhibit 1).

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 date by which Respondent must file a response to the "Petition for Review of NPDES Permit Issued by Region 6 on September 28, 2007" by forty-five (45) days, making the response due on January 30, 2008

Respectfully submitted this 28th day of November, 2007,

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

cc: Pooja S. Parikh, Esq. (attorney for EPA Office of General Counsel)



"Lauren Kalisek"
<lkalisek@lglawfirm.com>
11/27/2007 01:26 PM

To David Gillespie/R6/USEPA/US@EPA
cc "Don Sarich" <don@sjra.net>, "Tojuana Cooper"
<tcooper@sjra.net>, "Angelina Villarreal"
<avillarreal@lglawfirm.com>

bcc

Subject RE: Extension of time

David,

As we discussed, SJRA does not object to the extension outlined below.

Thanks

Lauren Kalisek
Lloyd Gosselink Blevins Rochelle & Townsend, P.C.
816 Congress Ave., Suite 1900
Austin, Texas 78701
(direct) 512-322-5847
(fax) 512-472-0532

To learn more about our Firm or the Water Practice Group, please visit
our website at <http://www.LGLawFirm.com>

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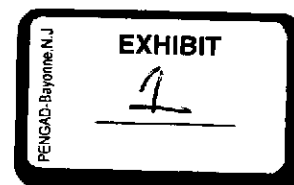
-----Original Message-----

From: Gillespie.David@epamail.epa.gov
[mailto:Gillespie.David@epamail.epa.gov]
Sent: Tuesday, November 20, 2007 3:06 PM
To: Lauren Kalisek
Subject: Extension of time

Lauren,

Would you please confirm by responding to this e-mail that San Jacinto
River Authority (SJRA) does not oppose an extension of time for EPA
Region 6 to respond to SJRA's "Petition for Review of NPDES Permit
Issued by Region 6 on September 28, 2007" from a response due date of
December 17, 2007, to a new response due date of January 31, 2008 (45
day extension). As you recall we discussed EPA's desire to motion the
Environmental Appeals Board for this extension earlier by telephone.
Thank you for your assistance with this matter.

David Gillespie
Office of Regional Counsel
U.S. EPA, Region 6
1445 Ross Avenue, Suite 1200
Dallas, Texas 75202-2733
Voice: (214) 665-7467
Facsimile: (214) 665-2182
gillespie.david@epa.gov



CERTIFICATE OF SERVICE

I hereby certify that on this 28th day of November, 2007, copies of the foregoing were served upon Lauren Kalisek, attorney for the San Jacinto River Authority, and to the Clerk of the Board, Environmental Appeals Board, by FedEx delivery, properly addressed and with sufficient postage affixed thereto to ensure proper delivery.



Thomas David Gillespie

MAILING LIST

VIA FEDEX

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

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