

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
ENVIRONMENTAL APPEALS BOARD

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)	
In the Matter of: )	Appeal No. NPDES 18-04
)	
CITY OF HARRISON )	<b>JOINT MOTION FOR</b>
WASTEWATER TREATMENT PLANT )	<b>EXTENSION OF TIME TO FILE</b>
)	<b>RESPONSE AND REPLY BRIEFS</b>
NPDES Permit No. ID0021997 )	
_____ )	

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. NPDES 18-04. 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 August 24, 2018 to October 11, 2018. In addition, ICL respectfully requests an extension of time in which to file its reply brief in this matter from September 10, 2018 to November 9, 2018. As grounds for the motion, the Region and ICL state as follows:

1. On July 25, 2018, ICL filed with the Environmental Appeals Board (“EAB”) a Petition for Review of NPDES Permit No. ID0021997 issued to the City of

Harrison Wastewater Treatment Plant (“Facility”). This Petition was assigned Appeal No. NPDES 18-04.

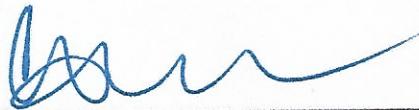
2. Pursuant to 40 C.F.R. § 124.19(b)(2), “the Regional Administrator must file a response to the petition, a certified index of the administrative record, and the relevant portions of the administrative record within 30 days after the filing of the petition.” Therefore, the Region’s response brief and certified index of the administrative record is currently due on August 24, 2018.
3. Pursuant to 40 C.F.R. § 124.19(c)(2), “petitioner may file a reply within 15 days after service of the response.” Therefore, ICL’s reply brief is due on September 10, 2018.
4. On July 11, 2018, ICL filed a Petition for Review in another matter before the EAB. *See In re: City of Sandpoint Wastewater Treatment Plant*, EAB Appeal No. NPDES 18-01. The response brief and certified index of the administrative record in that matter is due on September 24, 2018. The reply brief in that matter is due on October 4, 2018. Both parties have the same individuals working on these matters.
5. All the EPA regional offices are working to issue NPDES permits to all facilities seeking a new permit by the end of the calendar year. For this Region, there are approximately 36 permits in this category. The EPA regional attorney assigned to this matter is also the primary permitting counseling attorney in this Region. Reviewing these permits represents an additional time demand for the attorney who will need to review the majority of the permits by the end of September.
6. Further, the EPA regional attorney assigned to this appeal will be out of the office from August 28, 2018 to September 5, 2018. In addition, numerous EPA staff

needed to review the response brief will be out of the office from August 20, 2018 to September 4, 2018.

7. The Region has consulted with the Office of General Counsel (OGC) and the Office of Water (OW) regarding this extension request. *See Procedures for Coordination OE-OGC-Regions Environmental Appeals Board (Jan. 25, 1993)*. Both of these offices have concurred on this extension request.
8. On August 10, 2018, in an email message to the EPA regional attorney, ICL indicated that it did not object to this motion and the proposed due date for the response brief. *See Attachment 1*.
9. In addition, based upon previously scheduled work travel and efforts to accommodate changes to filing deadlines in a separate appeal before the EAB, ICL requests an extension on the time to file its reply brief in this matter. *See Attachment 1; see also Attachment 2*. The Region does not oppose such a request.
10. There are no other parties to the proceedings.
11. Therefore, the Region requests that the EAB grant an extension on the time to file a response brief and certified index of the administrative record to October 11, 2018.
12. In addition, ICL requests that the EAB grant an extension on time to file a reply brief to November 9, 2018.

DATED: August 20, 2018

Respectfully Submitted

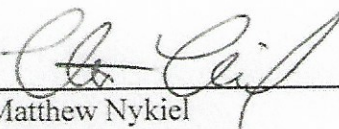


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DATED: August 17, 2018

Respectfully Submitted



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**CERTIFICATE OF SERVICE**

I certify that the foregoing "Joint Motion for Extension of Time to File Response and Reply Briefs" was sent to the following persons, in the manner specified, on the date below:

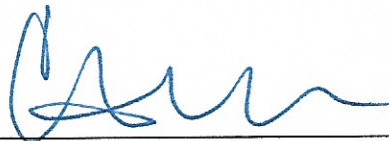
By electronic filing to:

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 to:

Matthew Nykiel  
Conservation Associate  
Idaho Conservation League  
PO Box 2308  
Sandpoint, ID 83864

DATED: August 20, 2018



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