

**BEFORE THE ENVIRONMENTAL APPEALS BOARD
 UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
 WASHINGTON, DC**

)	
<i>In re</i> Final RCRA Permit for)	
)	
Evoqua Water Technologies LLC and)	
Colorado River Indian Tribes)	RCRA Appeal No. RCRA 18-01
2523 Mutahar Street)	
Parker, Arizona 85344)	
)	
EPA RCRA ID No. AZD982441263)	
)	

**EVOQUA WATER TECHNOLOGIES LLC’S
POST-HEARING BRIEF AS TO ISSUE 1**

Petitioner Evoqua Water Technologies LLC (“*Evoqua*”) hereby responds to EPA Region IX’s (the “*Region’s*”) April 16 post-hearing brief only as to the first of the three issues addressed by the Region: *Does the Permit require both Permittees to sign requests for modifications of the Permit?*

To address this question, Evoqua and the Colorado River Indian Tribes (“*CRIT*”) entered into discussions and have reached an agreement on a protocol for permit modification submittals under the permit as currently issued, as set forth in the attached permit modification submittal. Representatives of Evoqua and CRIT have signed the modification and Evoqua intends to submit the protocol to the Region as a Class 1 modification concurrent with this filing to the Board. Regardless of how the Board interprets the modification language in 40 CFR Part 270, Evoqua believes this modification will resolve the question raised by the Board regarding the required signatories for permit modification submittals.

Separately, consistent with its prior briefing, Evoqua continues to maintain that the permit should not list both Evoqua and CRIT as co-permittees and anticipates that the Board will rule

separately on that issue. Should the Board determine that the current co-permittee status should change, that could of course impact permit provisions relating to which party signs modification applications.

STATEMENT OF COMPLIANCE WITH WORD LIMITATION

Undersigned counsel for Evoqua hereby certifies that this motion complies with the word limit of 40 C.F.R. § 124.19(f)(5) because this motion contains 210 words.

Date: May 28, 2019

Respectfully submitted,

/s/ Bryan J. Moore

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing brief has been served on the following parties via the following method on this 28th day of May 2019:

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U.S. EPA, Environmental Appeals Board

/s/ Bryan J. Moore
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