

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

In re: Final RCRA Permit for	)	
	)	
Evoqua Water Technologies, LLC and	)	Appeal No. RCRA 18-01
Colorado River Indian Tribes	)	
2523 Mutahar Street	)	
Parker, Arizona 85344	)	<b>US EPA REGION IX's</b>
	)	<b>UNOPPOSED MOTION FOR AN</b>
EPA RCRA ID No. AZD982441263	)	<b>EXTENSION OF TIME TO FILE</b>
	)	<b>A RESPONSE TO PETITION</b>
	)	<b>FOR REVIEW</b>
	)	

The United States Environmental Protection Agency, Region IX (the Region) hereby requests an extension of time in which to file its response brief to Appeal No. RCRA 18-01. The extension would move the date by which the Region must respond to the Petition for Review (Petition) filed on behalf of Evoqua Water Technologies, LLC (Petitioner) from November 26, 2018 to December 3, 2018. As grounds for the motion, the Region states the following:

- 1. On October 25, 2018, Petitioner filed with the Environmental Appeals Board (EAB) a Petition for Review of the final hazardous waste treatment and storage permit issued to Petitioner and the Colorado River Indian Tribes (CRIT) under the Resource Conservation and Recovery Act (RCRA). This Petition was assigned Appeal No. RCRA 18-01.
- 2. Pursuant to Title 40 of the Code of Federal Regulations (40 CFR) §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 Monday, November 26, 2018 (30 days would be Saturday, November 24, 2018).

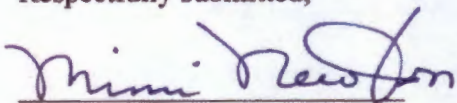
3. The substantial number of issues raised in the Petition for Review require careful consideration by Regional management as well as consultation with EPA Headquarters, including EPA's Office of General Counsel (OGC).
4. Thanksgiving falls on November 22, 2018, the week prior to the Region's current filing deadline, and multiple Regional staff and managers assigned to this matter as well as the primary consulting OGC attorney on this matter have previously scheduled leave during the holiday week. Complying with all filing requirements, including the preparation of multiple documents for electronic filing, copying, service, and coordinating EPA Headquarters and OGC consultation, and management concurrence on the response over the holiday is complicated by these scheduled absences.
5. On November 14, 2018, Petitioner filed a Motion to Remand EPA Notice of Stayed Permit Provisions or in the Alternative Motion to Stay Permit Pending Appeal. Pursuant to 40 CFR §124.19(f)(3), the Region intends to file a Response to Petitioner's Motion by no later than Wednesday, November 28, 2018. Preparation of this Response will put further demand on the Region's resources over the Thanksgiving holiday.
6. Therefore, in order to allow sufficient time for the Region's preparation of its responses to both the Petition and the Motion to Remand, including the necessary coordination between the Region and EPA Headquarters offices, including OGC, the Region requests the above-referenced extension of time to file its Response to the Petition for one week after the current due date to December 3, 2018.

7. On November 15, 2018, in a phone conversation with the EPA regional attorney, Petitioner's attorney indicated that the Petitioner does not object to this Motion or the proposed due date for the response brief.
8. On November 15, 2018, the EPA regional attorney also received an email message from a CRIT Deputy Attorney General, on behalf of the Attorney General of the Colorado River Indian Tribes, indicating that the Tribe also has no objection to this Motion or the proposed due date for the response brief.
9. Accordingly, the Region respectfully requests that the EAB grant an extension of time to file the Region's response brief, the certified index of the administrative record, and the relevant portions of the administrative record, for one week, to December 3, 2018.

Statement of Compliance with the Word Limitation

Undersigned counsel for the Region hereby certifies that this Motion complies with the word limit of 40 CFR §124.19(f)(5) because this Motion contains less than 7,000 words.

Respectfully submitted,



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*Counsel for Respondent, U.S. EPA Region IX*

Date: Nov. 15, 2018

CERTIFICATE OF SERVICE

I hereby certify that, on behalf of the United States Environmental Protection Agency, Region IX, a true and correct copy of the foregoing "US EPA Region IX's Unopposed Motion for an Extension of Time to File a Response to Petition for Review," has been served on the following parties via the following methods on this 16<sup>th</sup> day of November 2018:



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11/16/2018  
Date

*Clerk of the US EPA  
Environmental Appeals Board (EAB):*

Eurika Durr, Clerk  
US Environmental Protection Agency  
Environmental Appeals Board

Service on the Clerk of the EAB is made via the EAB's electronic filing system at [https://yosemite.epa.gov/OA/EAB/EAB-ALJ\\_Upload.nsf/HomePage?ReadForm](https://yosemite.epa.gov/OA/EAB/EAB-ALJ_Upload.nsf/HomePage?ReadForm) pursuant to 40 CFR § 124.19.

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Service on counsel for Petitioner Evoqua Water Technologies is made via electronic mail and U.S. mail in accordance with 40 CFR § 124.19(i).

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Service on the Attorney General for the  
Colorado River Indian Tribes is made via  
facsimile and U.S. mail in accordance with  
40 CFR § 124.19(i).