

1
2
3
4
5 UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
6 ENVIRONMENTAL APPEALS BOARD
7

8 In the Matter of:)

) Appeal No. NPDES 12-04

9 Alyeska Pipeline Service Company,)
10 Valdez Marine Terminal)

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

11 NPDES Permit No. AK-002324-8)
12

13 The U.S. Environmental Protection Agency Region 10 (Region), Respondent in the
14 above-referenced appeal, hereby moves the Environmental Appeals Board (EAB) to stay the
15 proceedings in this matter until August 20, 2013. The basis for this motion is to allow the
16 Region to resolve the issues raised by Petitioner in its appeal, as discussed below. In support of
17 the Motion, the Region states the following:

18 1. On October 30, 2012, the Region issued a National Pollutant Discharge
19 Elimination System (NPDES) Permit to Alyeska Pipeline Service Company (Alyeska), Valdez
20 Marine Terminal, NPDES Permit No. AK-002324-8 (Permit), for discharges from its ballast
21 water treatment facility.

22 2. On November 29, 2012, Alyeska filed a Petition for Review with the EAB which
23 challenges inclusion of certain whole effluent toxicity (WET) monitoring requirements in the
24 Permit on several grounds.
25

1 3. The EAB has granted two unopposed motions by the Region to extend the due
2 date for the response brief. Currently, the Region's response brief is due on March 22, 2013.

3 4. The Region and Alyeska have been in settlement discussions and have reached a
4 settlement in principle in this matter. The Region has agreed to the removal and modification of
5 certain WET monitoring provisions from the Permit, subject to public notice and comment.

6 5. The Region therefore seeks a stay of the proceedings for five (5) months until
7 August 20, 2013, to allow the Region time to propose for public notice and comment and finalize
8 the modified WET monitoring provisions.

9 6. The Region has consulted with counsel for Alyeska who does not oppose this
10 motion.

11 For the foregoing reasons, the Region requests a stay of these proceedings until August
12 20, 2013.

13
14 DATED: March 20, 2013

Respectfully Submitted,



Courtney Weber
Assistant Regional Counsel
EPA Region 10
1200 Sixth Avenue, Suite 900, ORC-158
Seattle, WA 98101
Tel: 206-553-1477
Fax: 206-553-0163

15
16
17
18
19
20
21 Of Counsel:

22 Pooja Parikh
23 Attorney Advisor
24 Water Law Office
25 Office of General Counsel
(202) 564-0839

1 CERTIFICATE OF SERVICE

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


4 By electronic filing to:

5
6 U.S. Environmental Protection Agency
7 Clerk of the Environmental Appeals Board
8 1341 G Street NW, Suite 600
9 Washington, DC 20005

10 By electronic and U.S. Mail to:

11 Svend Brandt-Erichsen
12 Marten Law PLLC
13 1191 Second Avenue, Ste. 2200
14 Seattle, WA 98110
15 Email: svendbe@martenlaw.com

16 DATED: March 20, 2013

17 

18 _____
19 Courtney Weber
20 Assistant Regional Counsel
21 U.S. EPA, Region 10