

**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)	Appeal No. RCRA 18-01
2523 Mutahar Street)	
Parker, Arizona 85344)	US EPA REGION IX's
)	MOTION FOR AN
EPA RCRA ID No. AZD982441263)	ADDITIONAL EXTENSION OF
)	DEADLINE TO FILE
)	SUPPLEMENTAL BRIEFS
)	RESPONDING TO THE
_____)	BOARD'S QUESTIONS

The United States Environmental Protection Agency, Region IX (the Region) hereby requests and moves for an additional extension of time for the Parties (*i.e.*, the Region, Petitioner Evoqua Water Technologies, LLC [Petitioner] and Co-Permittee the Colorado River Indian Tribes [CRIT]) to file Supplemental Briefs in accordance with the Environmental Appeals Board's (the Board's) December 14, 2018 Order For Further Briefing On Evoqua's Motion For Stay Of Permit Provisions Pending Board Review (12-14-2018 Order), as amended by its Orders dated December 20, 2018 and January 29, 2019.¹

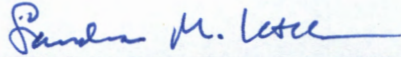
The extension would move the date by which the Parties must file the requested Supplemental Briefs out a total of two additional weeks, from February 11, 2019 to February 25, 2019. As grounds for this Motion, the Region states the following:

¹ See the Board's Order Extending Deadline for Further Briefing on Motion for Stay of Permit Provisions Pending Board Review (#22) and Second Order Extending Deadline for Further Briefing on Motion for Stay of Permit Provisions Pending Board Review (#25).

1. The Region hereby incorporates the reasons set forth in its previously filed Motion for an Extension of the Deadline to File Supplemental Briefs Responding to the Board's Questions (#19), filed December 18, 2018.
2. The Board's 12-14-2018 Order included the requirement that the Region consult with the Office of General Counsel (OGC), and the Region has done so. However, OGC has today requested that the Region seek an additional two-week extension of time from the Board so that OGC may ensure that the Region's responses to the Board's questions "reflect the Agency's views." *See*, the 12-14-2018 Order.
3. The Region appreciates that there is a significant amount of work being undertaken within OGC as a result of the recent federal government shutdown. This workload, coupled with the careful consideration both the Region and OGC believe is due the Board's questions, make this late request regrettable but necessary.
4. On February 7, 2019, counsel for the Region received an email message from Petitioner's counsel, indicating that the Petitioner opposes this Motion and the two-week additional extension sought.
5. On February 7, 2019, counsel for the Region received an email message from CRIT's counsel, indicating that CRIT does not oppose this Motion or the two-week additional extension sought.
6. In addition, the Region will be willing to conduct additional conferences with Petitioner and CRIT if any of the Region's previous representations to the other Parties as to the

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 Motion For An Additional Extension Of Deadline To File Supplemental Briefs Responding To Board's Questions," has been served on the following parties via the following methods on this 7th day of February 2019:



2/07/2019

Sandra M. Lesch, Administrative Assistant
US EPA, Region IX
Office of Regional Counsel
75 Hawthorne Street
San Francisco, CA 94105
Ph: 415-972-3454
Fx: 415-947-3570
lesch.sandra@epa.gov

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 in accordance with 40 CFR § 124.19.

Counsel for Petitioner Evoqua Water Technologies, LLC:

Stephen M. Richmond
BEVERIDGE & DIAMOND, PC
155 Federal Street, Suite 1600
Boston, MA 02110
T: 617-419-2310/F: 617-419-2301
srichmond@bdlaw.com

Service on counsel for Petitioner Evoqua Water Technologies, LLC is made via electronic mail in accordance with 40 CFR § 124.19.

Bryan J. Moore
BEVERIDGE & DIAMOND, PC
98 San Jacinto Blvd., Suite 1420
Austin, TX 78701-4296
T: 512-391-8030/F: 512-391-8099
bmoore@bdlaw.com

Counsel for Co-Permittee and beneficial landowner, the Colorado River Indian Tribes:

Rebecca A. Loudbear, Attorney General
Colorado River Indian Tribes
26600 Mohave Road
Parker, AZ 85344
T: (928) 669-1271 / F: (928) 669-5675
rloudbear@critdoj.com

Service on counsel for Permittee the Colorado River Indian Tribes is made via electronic mail in accordance with 40 CFR § 124.19.

Antoinette Flora, Deputy Attorney General
Colorado River Indian Tribes
26600 Mohave Road
Parker, AZ 85344
T: (928) 669-1271 / F: (928) 669-5675
aflora@critdoj.com

Sara A. Clark
SHUTE, MIHALY & WEINBERGER LLP
Attorneys for Colorado River Indian Tribes
396 Hayes Street
San Francisco, CA 94102
T: (415) 552-7272 / F: (415) 552-5816
clark@smwlaw.com

Rica Garcia
SHUTE, MIHALY & WEINBERGER LLP
Attorneys for Colorado River Indian Tribes
396 Hayes Street
San Francisco, CA 94102
T: (415) 552-7272 / F: (415) 552-5816
rgarcia@smwlaw.com