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**EPA**United States of America  
Environmental Protection Agency ENVIR. APPEALS BOARD**A FAX FROM:****TO:**

Clerk of the Board

**FAX NO.:**

202 - 233-0121

**CC:**

Justin Hayes

Fritz Wonderlich

208 - 344-0344

888 - 789 -0935

**SUBJECT:** EPA Region 10's Second Motion for Extension**FROM:**

Courtney Weber, Asst. Reg. Counsel

**PHONE NO.:**

206-553-1477

**OFFICE:**Region 10  
Office of Regional Counsel**FAX NO. FOR:**

(206) 553-0163

**COMMENTS:**

NPDES Appeal Nos. NPDES 09-12 &amp; 09-13

**DATE and TIME:**

12/28/09

**NO. of PAGES:**

6 (including cover)



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 10

1200 Sixth Avenue, Suite 900  
Seattle, WA 98101-3140

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ENVIR. APPEALS BOARD

OFFICE OF  
REGIONAL COUNSEL

December 28, 2009

Via Facsimile and U.S. Mail

U.S. Environmental Protection Agency  
Clerk of the Board  
Environmental Appeals Board 1103B  
Ariel Rios Building  
1200 Pennsylvania Avenue, N.W.  
Washington, DC 20460-0001

Re: City of Twin Falls  
NPDES Permit No. ID-002127-0  
NPDES Appeal Nos. NPDES 09-12 and 09-13

Dear Sir or Madam:

Enclosed please find the original and five (5) copies of EPA Region 10's Second Motion for Extension in the above-referenced matter. If you have any questions, please call me at (206) 553-1477.

Sincerely,

Courtney J. Weber  
Assistant Regional Counsel

Enclosures

cc: Justin Hayes, Idaho Conservation League  
Fritz Wonderlich, Wonderlich & Wakefield

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ENVIR. APPEALS BOARD

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

ENVIRONMENTAL APPEALS BOARD

In the Matter of:	)	Appeal Nos. NPDES 09-12, 09-13
	)	
CITY OF TWIN FALLS	)	<b>EPA REGION 10'S</b>
	)	<b>SECOND MOTION FOR EXTENSION</b>
	)	
NPDES Permit No. ID-002127-0	)	

The United States Environmental Protection Agency, Region 10 ("Region") respectfully requests an additional extension of time in which to file its response briefs to Appeal Nos. NPDES 09-12 and 09-13. The Region requests an additional four (4) weeks to respond to the Petitions for Review filed by the City of Twin Falls ("City") and Idaho Conservation League ("ICL"), in the above-captioned matter. The extension would move the date by which the Region must respond to the Petitions from January 11, 2010 to February 8, 2010. As grounds for the motion, the Region states as follows:

1. On October 21, 2009, the City filed with the Environmental Appeals Board ("EAB") a Petition for Review of NPDES Permit No. ID-002127-0 issued to the

1 City's waste water treatment facility ("Permit"). This Petition for Review was  
2 assigned Appeal No. NPDES 09-12. On October 26, 2009, the EAB sent the  
3 Region a letter which established a response date to the City's Petition for Review  
4 of December 8, 2009.

5 2. Subsequently, on October 26, 2009, ICL filed with the EAB a Petition for Review  
6 of the Permit. This Petition for Review was assigned Appeal No. NPDES 09-13.  
7 On October 28, 2009, the EAB sent the Region a letter which established a  
8 response date to ICL's Petition for Review of December 14, 2009.

9 3. On November 23, 2009, the Region filed with the EAB a Motion for Extension  
10 and Single Response Date.

11 4. On December 1, 2009, the EAB granted the Region's Motion for Extension and  
12 Single Response Date. As such, currently, the Region's response briefs are due  
13 on January 11, 2010.

14 5. Due to the complexity of the issues raised in both Petitions, the Region needs  
15 additional time to ensure sufficient coordination with EPA Headquarters in  
16 preparing its response briefs to the Petitions. Moreover, the Region has had  
17 difficulty coordinating with essential EPA staff members given the holidays.

18 6. As such, the Region requests that the EAB grant an additional four (4) week  
19 extension on the response briefs to February 8, 2010. Since the Petitions raise  
20 distinct issues, the Region is not requesting consolidation of these matters.

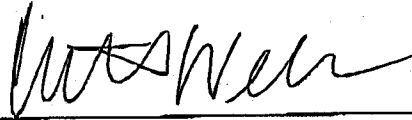
21 7. The Region has reached ICL who has indicated that it does not object to the  
22 requested extension.

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8. The Region has attempted to contact counsel for the City but has been unable to reach counsel for the City to determine whether the City will oppose this Motion.

DATED: December 28, 2009

Respectfully Submitted



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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

**CERTIFICATE OF SERVICE**

I certify that the foregoing "EPA Region 10's Second Motion for Extension" were sent to the following persons, in the manner specified, on the date below:

Original plus 5 copies, by fax and U.S. Mail:

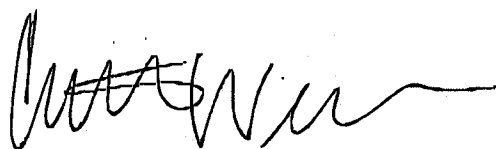
U.S. Environmental Protection Agency  
Clerk of the Board  
Environmental Appeals Board 1103B  
Ariel Rios Building  
1200 Pennsylvania Avenue, N.W.  
Washington, DC 20460-0001  
Fax No.: (202) 233-0121

A true and correct copy, by fax and U.S. Mail:

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Justin Hayes  
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Boise, Idaho 83701  
Fax. No.: (208) 344-0344

DATED: December 28, 2009



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