

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

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

**The Colorado River Indian Tribe's
Response to Order for Further Briefing
Following Oral Argument**

Sara A. Clark
Rica V. Garcia
Shute, Mihaly & Weinberger LLP
396 Hayes Street
San Francisco, CA 94102
T: 415/552-7272
F: 415/552-5816
clark@smwlaw.com
rgarcia@smwlaw.com

Rebecca Loudbear
Antoinette Flora
Office of the Attorney General
Colorado River Indian Tribes
26600 Mohave Road
Parker, AZ 85344
T: 928/669-1271
F: 928/669-5675
rloudbear@critdoj.com
aflora@critdoj.com

Counsel for
COLORADO RIVER INDIAN TRIBES

Date: May 28, 2019

The Colorado River Indian Tribes (“CRIT” or “the Tribes”) join in the first two paragraphs of *Evoqua Water Technologies LLC’s Post-Hearing Brief as to Issue 1*.

The Tribes, however, maintain that the permit modification submittal attached to Evoqua’s Post-Hearing Brief effectively addresses the issues raised in Section V.A of its Petition. Evoqua’s primary concern was ensuring that the Tribes, as co-Permittees, did not inadvertently delay the submission of permit modification applications by taking too long to review and sign. *See* Petition at 7. The permit modification submittal addresses this issue by establishing a timeframe for CRIT’s review of routine permit modification applications and clarifying that CRIT Tribal Council must approve only the most significant Class 3 modifications. For this reason, the Tribes urge the EAB to decline to rule on the issue raised in Section V.A. of Evoqua’s Petition, finding that the permit modification submittal moots the issue.

DATED: May 28, 2019

SHUTE, MIHALY & WEINBERGER LLP

By: s/ Sara A. Clark

SARA A. CLARK

RICA V. GARCIA

Attorneys for the Colorado River Indian Tribes

Statement of Compliance with Word Count Limitation

Sara A. Clark, counsel for the Colorado River Indian Tribes, hereby certifies that this brief complies with the word limit of 40 C.F.R. section 124.19(f)(5) because, excluding the parts of the brief exempted by 40 C.F.R. section 124.19(d)(3), this brief contains 148 words.

DATED: May 28, 2019

SHUTE, MIHALY & WEINBERGER LLP

By: s/ Sara A. Clark

SARA A. CLARK

Attorneys for Colorado River Indian Tribes

Certificate of Service

I hereby certify that, on behalf of Colorado River Indian Tribes, a true and correct copy of the foregoing Response to Order for Further Briefing has been served on the following parties via the following methods on this 28th day of May, 2019:

s/ Patricia Larkin

Patricia Larkin
Shute, Mihaly & Weinberger, LLP
396 Hayes Street
San Francisco, CA 94102
T: 415/552-7272
F: 415/552-5816
E: larkin@smwlaw.com

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*Counsel for Petitioner Evoqua Water
Technologies:*

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

Via e-mail

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 Respondent, U.S. EPA Region IX Via e-mail

Mimi Newton
Assistant Regional Counsel (ORC-3)
United States Environmental Protection
Agency
75 Hawthorne Street
San Francisco, CA 94105
Office: 415-972-3941 / Fax: 415-947-3570
Newton.Mimi@epa.gov
Rongone.Marie@epa.gov

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