

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

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

**EVOQUA WATER TECHNOLOGIES LLC’S AND  
COLORADO RIVER INDIAN TRIBES’ JOINT MOTION  
TO EXTEND DEADLINE FOR POST-HEARING BRIEF AS TO ISSUE 1**

Per 40 C.F.R. § 124.19(f), (g), Evoqua Water Technologies LLC (“*Evoqua*”) and the Colorado River Indian Tribes (“*CRIT*”) respectfully move for an extension of their deadline to respond to EPA Region IX’s (the “*Region*’s”) April 16 post-hearing brief only as to the first of the three issues addressed by the Region: *Does the Permit require both Permittees to sign requests for modifications of the Permit?* For the reasons set forth below, Evoqua and CRIT respectfully request that their deadline for briefing this issue be extended from April 23 to May 13.

By separate filing today, Evoqua is submitting a brief addressing the two other questions presented by the Environmental Appeals Board (the “*Board*”) at the close of the April 9 oral argument in this matter, which questions were briefed in the Region’s April 16 brief. As the Board did not direct CRIT to respond to these questions, CRIT is not submitting a brief today.

**GROUNDNS FOR REQUESTED EXTENSION**

At the close of the April 9 oral argument in this matter, the Board asked the Region to brief three questions, the first of which was: *Does the Permit require both Permittees to sign requests for modifications of the Permit?* The Region submitted its post-hearing brief addressing this

question (and the other two questions raised by the Board) on April 16. Per the briefing schedule set by the Board at the close of the April 9 oral argument, Evoqua's and CRIT's responses to the Region's post-hearing brief are due today, April 23.

To avoid uncertainty in the permit modification application process moving forward, Evoqua and CRIT have reached an agreement in principle on a protocol for permit modification submittals that addresses the signatory concerns raised by both parties. However, before briefing the Board on the parties' agreement, the parties need additional time to (1) present the draft protocol to the CRIT Tribal Council for approval and (2) discuss the proposed protocol with the Region. The CRIT Tribal Council's next meeting is May 9, 2019. Prior to that meeting, Evoqua and CRIT will endeavor to discuss the draft protocol with the Region in an effort to reach unanimity among the three parties on a workable protocol for permit modification submittals.

On April 18, Evoqua and CRIT conveyed the draft protocol in conceptual form to the Region. The Region responded that it is open to considering the proposal, but that it has questions and requires a more detailed proposal before it can reach a position. Evoqua and CRIT are hopeful that they can address the Region's questions and that all three parties can ultimately reach agreement on a workable protocol for permit modification submittals to be adopted into the permit.

### **PRAYER**

For the foregoing reasons, Evoqua and CRIT respectfully request that their deadline for briefing the Board's first question, regarding required signatories to permit modification submittals, be extended from April 23 to **May 13**. If the parties can negotiate a mutually satisfactory protocol for such submittals, Evoqua and CRIT will notify the Board in advance of May 13 to avoid the need for further briefing and a ruling on this issue.

**CERTIFICATE OF CONFERENCE**

Per 40 C.F.R. § 124.19(f)(2), counsel for Evoqua conferred with counsel for the Region and counsel for the Region advised that the Region takes no position regarding the extension requested in this motion.

**STATEMENT OF COMPLIANCE WITH WORD LIMITATION**

Undersigned counsel for Evoqua hereby certifies that this motion complies with the word limit of 40 C.F.R. § 124.19(f)(5) because this motion contains 538 words.

Date: April 23, 2019

Respectfully submitted,

*/s/ Bryan J. Moore*

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**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing motion has been served on the following parties via the following method on this 23rd day of April 2019:

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