

**BEFORE THE ENVIRONMENTAL APPEALS BOARD
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C.**

In re: Buckley Air Force Base)	
Municipal Separate Storm)	
Sewer System)	
)	
)	
)	Appeal No. NPDES 13-07
)	
NPDES Permit Number:)	
CO-R042003)	

MOTION FOR EXTENSION OF TIME TO RESPOND

The U. S. Environmental Protection Agency (“EPA”) Region 8 respectfully requests that the Environmental Appeals Board (“EAB” or “Board”) grant an extension of time until November 30, 2013, to file its response, including the certified index of the administrative record and the relevant parts of the administrative record, to the Petition for Review filed in the above-captioned matter by the U.S. Department of the Air Force (“Air Force”). Petitioner filed its Petition for Review on September 30, 2013, and a Certification of Identical Paper Copy Submission on October 18, 2013.

EPA Region 8 seeks additional time to submit its response based on a number of factors that will make it very difficult to provide an adequate response brief and filing of the administrative record within the response time required by 40 C.F.R. § 124.19(b)(2). Due to a lapse in appropriations, the federal government was partially shut down from October 1, 2013, until October 16, 2013. The government reopened on October 17, 2013. During the 16 days of shutdown, EPA Region 8 was unable to work on its response to the Air Force petition. Moreover, the Air Force petition has raised a number of issues that

concern several offices and Regions within EPA, including the Office of General Counsel and EPA Region 10. Responding to the Petition will require extensive coordination among these offices to fully address the issues raised by the Petitioner.

Counsel for EPA Region 8 contacted the Petitioner/Permittee on October 23, 2013, to inform them of the Region's intent to seek an extension of time until November 30, 2013. Kent Scott-Smith, counsel for the Air Force, stated that his client does not oppose the extension.

For the reasons set forth above, EPA Region 8 respectfully requests the EAB grant the Region's Motion for Extension of Time to Respond and extend the deadline for the Region's response to the pending Petition for Review in the above-captioned matter until November 30, 2013.

Respectfully submitted,



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10/24/13

Date

Of Counsel:

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Certificate of Service

I, Tina Artemis, hereby certify that true and correct copies of the Motion for Extension of Time to Respond In re: Buckley Air Force Base Municipal Separate Storm Sewer System were served:


Via the EPA's E-Filing System to:

Clerk of the Board
United States Environmental Protection Agency
Environmental Appeals Board
Colorado Building
1341 G Street, N.W.
Suite 600
Washington, D.C. 20005

Via U.S. Mail to:

Jerald C. Thompson
Kent I. Scott-Smith
AFLOA/JACE
1500 West Perimeter Road, Suite 1500
Joint Base Andrews, MD 20762

October 24, 2013
Date



Tina Artemis
Paralegal
Office of Regional Counsel, EPA Region 8