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5 UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
6 ENVIRONMENTAL APPEALS BOARD  
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9 In the Matter of: )

) Appeal No. NPDES 15-07

10 Star Sewer and Water District - )  
11 Wastewater Treatment Plant )

) **EPA REGION 10'S**  
) **SECOND MOTION FOR EXTENSION**  
) **OF TIME TO FILE RESPONSE BRIEF**

12 NPDES Permit No. ID0023591 )  
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14 The United States Environmental Protection Agency, Region 10 ("Region") respectfully  
15 requests an additional extension of time in which to file its response brief to Appeal No. 15-07.  
16 The extension would move the date by which the Region must respond to the Petition for Review  
17 ("Petition") filed by Star Sewer and Water District ("Star") from June 24, 2015 to July 22, 2015.  
18 As grounds for the motion, the Region states as follows:  
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- 20 1. On April 27, 2015, Star filed with the Environmental Appeals Board ("EAB") a  
21 Petition for Review of NPDES Permit No. ID0023591 issued to Star for the  
22 discharge of effluent from Star's wastewater treatment plant ("Facility"). This  
23 Petition for Review was assigned Appeal No. NPDES 15-07.  
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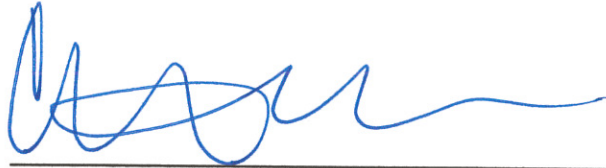
- 1           2.     Pursuant to 40 C.F.R. § 124.19(b)(2), the Region was required to file a response  
2           brief, a certified index of the administrative record, and the relevant portions of  
3           the administrative record by May 27, 2015.
- 4           3.     On May 15, 2015, the Region filed a Motion for Extension of Time to File  
5           Response Brief which was granted by the EAB on May 19, 2015.
- 6           4.     Star's challenge to its NPDES permit raises a number of issues involving the  
7           interaction between state water quality standards and NPDES permitting. These  
8           issues require close coordination with multiple offices at EPA Headquarters.  
9           Unfortunately, due to calendar schedules, the Region and the Office of General  
10          Counsel were unable to schedule a meeting with key individuals at EPA  
11          Headquarters until Monday, June 22, 2015. The meeting invite for this meeting  
12          was not sent out until Monday, June 15, 2015.
- 13          5.     In addition, the undersigned EPA counsel will be on a planned annual leave from  
14          June 25, 2015 to July 13, 2015.
- 15          6.     On June 16, 2015, the undersigned EPA counsel contacted counsel for Star and  
16          counsel for the Idaho Department of Environmental Quality ("IDEQ"). That  
17          same day, counsel for IDEQ indicated that they would not oppose this Motion.
- 18          7.     On June 17, 2015, counsel for Star indicated that Star will not agree to the  
19          extension request; however, Star did not state whether there will be some hardship  
20          upon it due to such request. In fact, the final chlorine and ammonia effluent limits  
21          in the NPDES permit, the limits that are affected by this appeal, are stayed  
22          indefinitely until the resolution of this appeal.<sup>1</sup>

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25 <sup>1</sup> Star may attempt to argue that the compliance schedules for the chlorine and ammonia effluent limits remain in effect; however, there is still not hardship to Star by a 30-day extension request for a number of reasons. First, the compliance schedule for chlorine is two years long and, regardless of the outcome of

1           8.       Therefore, to allow sufficient time for key players at EPA Headquarters to discuss  
2                   the issues raised in this appeal, the Region requests that the EAB grant a 30-day  
3                   extension on the time to file a response brief to July 22, 2015.  
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5 DATED: June 17, 2015

Respectfully Submitted

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25 this appeal, Star would still have to install dechlorination at the Facility. Second, the compliance  
schedule for ammonia is ten years long with the first deliverable set for May 1, 2017.

1 **CERTIFICATE OF SERVICE**

2 I certify that the foregoing "EPA Region 10's Second Motion for Extension of Time to  
3 File Response Brief" was sent to the following persons, in the manner specified, on the date  
4 below:

5 By electronic filing to:

6 U.S. Environmental Protection Agency  
7 Clerk of the Environmental Appeals Board  
8 1341 G Street NW, Suite 600  
9 Washington, DC 20005

10 By electronic and U.S. mail to:

11 Kevin J. Beaton  
12 Stoel Rives LLP  
13 101 S. Capitol Blvd., Ste. 1900  
14 Boise, ID 83702-5958

15 Douglas M. Conde  
16 Deputy Attorney General  
17 Department of Environmental Quality  
18 1410 N. Hilton, 2<sup>nd</sup> Floor  
19 Boise, ID 83706

20 DATED: June 17, 2015

21 

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