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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
ENVIRONMENTAL APPEALS BOARD

In the Matter of:)	Appeal No. NPDES 17-06
)	
City of Sandpoint)	EPA REGION 10'S UNOPPOSED
Wastewater Treatment Plant)	MOTION FOR EXTENSION OF TIME
)	TO FILE RESPONSE BRIEF
NPDES Permit No. ID0020842)	

The United States Environmental Protection Agency, Region 10 ("Region") respectfully requests an extension of time in which to file its response brief to Appeal No. NPDES 17-06.

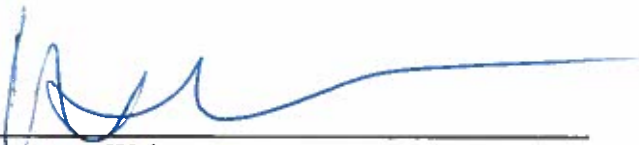
The extension would move the date by which the Region must respond to the Petition for Review ("Petition") filed by Idaho Conservation League ("ICL") from November 6, 2017 to January 16, 2018. As grounds for the motion, the Region states as follows:

1. On October 6, 2017, ICL filed with the Environmental Appeals Board ("EAB") a Petition for Review of NPDES Permit No. ID0020842 issued to the City of Sandpoint Wastewater Treatment Plant ("Facility"). This Petition for Review was assigned Appeal No. NPDES 17-06.

- 1 2. Pursuant to 40 C.F.R. § 124.19(b)(2), “the Regional Administrator must file a
2 response to the petition, a certified index of the administrative record, and the
3 relevant portions of the administrative record within 30 days after the filing of the
4 petition.” Therefore, the Region’s response brief and certified index of the
5 administrative record is currently due on November 6, 2017.
- 6 3. ICL’s challenge to the Facility’s NPDES permit raises an issue involving the
7 interaction between state water quality standards and NPDES permitting. This
8 issue will require coordination with multiple offices at EPA Headquarters. In
9 preparing its response to the Petition, Region 10 will need to consult and
10 coordinate with appropriate personnel in the EPA Headquarters Office of General
11 Counsel and Office of Water, in particular the sub-offices within the Office of
12 Water that oversee national NPDES permitting and water quality standards
13 policy.
- 14 4. Numerous EPA staff needed to review the response brief will be out of the office
15 during the week of November 20, 2017 which is the Thanksgiving holiday week.
- 16 5. In addition, the EPA regional attorney assigned to this appeal as well as a number
17 of EPA staff will be out of the office from December 18, 2017 to January 2, 2018.
- 18 6. On October 24, 2017, in a phone conversation with the EPA regional attorney, as
19 well as in a subsequent e-mail message dated October 25, 2017, ICL indicated
20 that it did not object to this motion and the proposed due date for the response
21 brief. There are no other parties to the proceedings.
- 22 7. As such, the Region requests that the EAB grant an extension on the time to file a
23 response brief and certified index of the administrative record to January 16,
24 2018.

1 DATED: October 26, 2017

Respectfully Submitted

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4 _____
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1 **CERTIFICATE OF SERVICE**

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

4 By electronic filing to:

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

8 By electronic and U.S. Mail to:

9 Matthew Nykiel
10 Conservation Associate
11 Idaho Conservation League
12 PO Box 2308
13 Sandpoint, ID 83864
14 Tel: (208) 265-9565
15 Fax: (208) 265-9650
16 Email: mnykiel@idahoconservation.org

14 DATED: October 26, 2017

16 

17
18 Courtney Weber
19 Assistant Regional Counsel
20 U.S. EPA, Region 10