



United States of America  
Environmental Protection Agency

RECEIVED  
 U.S. EPA  
 ENVIRONMENTAL APPEALS BOARD  
 NOV 24 AM 11:21

**A FAX FROM:**

**TO:**

Clerk of the Board

**FAX NO.:**

202-233-0121

**cc:**

Justin Hayes

Fritz Wonderlich

208-344-0344

888-789-0935

**SUBJECT:** EPA Region 10's Motion for Extension and Single Response Date

**FROM:**

Courtney Weber, Asst. Reg. Counsel

**PHONE NO.:**

206-553-1477

**OFFICE:**

Region 10  
Office of Regional Counsel

**FAX NO. FOR:**

(206) 553-0163

**COMMENTS:**

NPDES Appeal Nos. NPDES 09-12 & 09-13

**DATE and TIME:**

11/23/09

**NO. of PAGES:**

5 (including fax cover)



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 10**

1200 Sixth Avenue, Suite 900  
Seattle, WA 98101-3140

OFFICE OF  
REGIONAL COUNSEL

November 23, 2009

**Via Facsimile and U.S. Mail**

U.S. Environmental Protection Agency  
Clerk of the Board  
Environmental Appeals Board 1103B  
Ariel Rios Building  
1200 Pennsylvania Avenue, N.W.  
Washington, DC 20460-0001

Re: City of Twin Falls  
NPDES Permit No. ID-002127-0  
NPDES Appeal Nos. NPDES 09-12 and 09-13

Dear Sir or Madam:

Enclosed please find the original and five (5) copies of EPA Region 10's Motion for Extension and Single Response Date in the above-referenced matter. If you have any questions, please call me at (206) 553-1477.

Sincerely,

Courtney J. Weber  
Assistant Regional Counsel

Enclosures

cc: Justin Hayes, Idaho Conservation League  
Fritz Wonderlich, Wonderlich & Wakefield

RECEIVED  
U.S. E.P.A.  
2009 NOV 24 AM 11:21  
ENVIR. APPEALS BOARD

RECEIVED  
U.S. E.P.A.

2009 NOV 24 AM 11:24

ENVIR. APPEALS BOARD

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
ENVIRONMENTAL APPEALS BOARD

In the Matter of:	)	Appcal Nos. NPDES 09-12, 09-13
CITY OF TWIN FALLS	)	<b>EPA REGION 10'S</b>
NPDES Permit No. ID-002127-0	)	<b>MOTION FOR EXTENSION AND</b>
	)	<b>SINGLE RESPONSE DATE</b>

The United States Environmental Protection Agency, Region 10 ("Region") respectfully requests an extension of time in which to file its response to Appeal Nos. NPDES 09-12 and 09-13. In addition, the Region respectfully requests that the Environmental Appeals Board ("EAB") set a single response date for the Region's response briefs. As grounds for the motion, the Region states as follows:

1. On October 21, 2009, the City of Twin Falls ("City") filed with the EAB a Petition for Review of NPDES Permit No. ID-002127-0 issued to the City's waste water treatment facility ("Permit"). This Petition for Review was assigned Appeal No. NPDES 09-12. On October 26, 2009, the EAB sent the Region a letter which established a response date to the City's Petition for Review of December 8, 2009.
2. Subsequently, on October 26, 2009, the Idaho Conservation League ("ICL") filed with the EAB a Petition for Review of the Permit. This Petition for Review was

1 assigned Appeal No. NPDES 09-13. On October 28, 2009, the EAB sent the  
2 Region a letter which established a response date to ICL's Petition for Review of  
3 December 14, 2009.

- 4 3. Due to the issues raised in both Petitions, the Region will need to coordinate  
5 extensively with EPA Headquarters in preparing its response to the Petitions for  
6 Review. Moreover, given that November and December are months in which  
7 there are holidays, the Region anticipates that it will be difficult to schedule  
8 conference calls and other such meetings.
- 9 4. As such, the Region requests that the EAB establish a single response date for the  
10 response briefs and grant an extension on the response briefs to January 11, 2010.  
11 Since the Petitions raise distinct issues, the Region is not currently requesting  
12 consolidation of these matters.
- 13 5. The Region has reached ICL who has indicated that it does not object to the  
14 requested extension and single response date.
- 15 6. The Region has also contacted counsel for the City who has not indicated whether  
16 the City will oppose this Motion.

17  
18 DATED: November 23, 2009

Respectfully Submitted

19   
20

21 Courtney Weber  
22 Assistant Regional Counsel  
23 EPA Region 10  
24 1200 Sixth Avenue, Suite 900, ORC-158  
25 Seattle, WA 98101  
Tel: 206-553-1477  
Fax: 206-553-0163

**CERTIFICATE OF SERVICE**

I certify that the foregoing "EPA Region 10's Motion for Extension and Single Response Date" were sent to the following persons, in the manner specified, on the date below:

Original plus 5 copies, by fax and U.S. Mail:

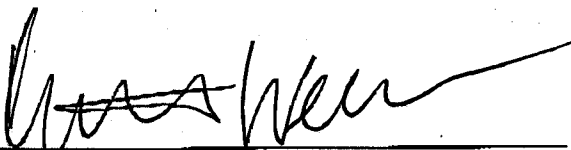
U.S. Environmental Protection Agency  
Clerk of the Board  
Environmental Appeals Board 1103B  
Ariel Rios Building  
1200 Pennsylvania Avenue, N.W.  
Washington, DC 20460-0001  
Fax No.: (202) 233-0121

A true and correct copy, by fax and U.S. Mail:

Fritz Wonderlich  
Wonderlich & Wakefield  
Attorneys at Law  
P.O. Box 1812  
Twin Falls, Idaho 83303-1812  
Fax No.: (888) 789-0935

Justin Hayes  
Idaho Conservation League  
P.O. Box 844  
Boise, Idaho 83701  
Fax. No.: (208) 344-0344

DATED:

  
\_\_\_\_\_  
Courtney Weber  
Assistant Regional Counsel  
U.S. EPA, Region 10