

**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	)	Appeal No. RCRA 18-01
2523 Mutahar Street)	
Parker, Arizona 85344)	
	)	NOTICE OF US EPA REGION
	)	IX's CONCURRENCE IN
EPA RCRA ID No. AZD982441263	)	SUPPORT OF PETITIONER'S
	)	MOTION REQUESTING AN
	)	EXTENSION TO THE
	)	DEADLINE TO FILE
	)	SUPPLEMENTAL
	)	BRIEFS RESPONDING TO
	)	THE BOARD'S QUESTIONS

The United States Environmental Protection Agency, Region IX (the Region), hereby provides this Notice to the Environmental Appeals Board (the Board) that the Region concurs with Permittee Evoqua Water Technologies LLC's (Evoqua's or Petitioner's) motion for an extension of time to provide supplemental briefing required by the Board's Order of December 14, 2018.¹

From December 29, 2018 until today, staff and managers within the Region and at EPA Headquarters have been on furlough. Additional time is needed for the Region to confer with attorneys in the Office of General Counsel regarding the questions posed by the Board and to

¹ Evoqua's Motion to Extend Deadline to File Supplemental Briefs on Evoqua's Motion for Stay of Permit Provisions Pending Board Review, January 14, 2019; and EAB Order for Further Briefing on Evoqua's Motion for Stay of Permit Provisions Pending Board Review, December 14, 2018. The EAB Order required supplemental briefs to be filed by January 22, 2019.

confer with counsel for Petitioner and the Colorado River Indian Tribes, as directed by the Board's December 14, 2018 Order.

Counsel for the Region has spoken with counsel for both the Colorado River Indian Tribes and the Petitioner, and advised them both that, if the Board grants Petitioner's motion, February 11, 2019 would be the new proposed deadline to file briefs in response to the December 14, 2018 Order. The parties have also begun the process of re-scheduling a conference to discuss the Board's questions.

Therefore, the Region respectfully requests that the Board grant Petitioner's motion requesting an extension of time to address the Board's questions, and move the deadline by which the parties must file their supplemental briefs from January 22, 2019, to the date that is two weeks from the end of the federal government shutdown, February 11, 2019.

Statement of Compliance with the Word Limitation

Undersigned counsel for the Region hereby certifies that this Brief complies with the word limit of 40 CFR §124.19(f)(5) because this Brief contains less than 7,000 words.

Respectfully submitted,

 / S /
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Date: Jan. 28, 2019

CERTIFICATE OF SERVICE

I hereby certify that, on behalf of the United States Environmental Protection Agency, Region IX, a true and correct copy of the foregoing "Notice of US EPA Region IX's Concurrence in Support of Petitioner's Motion Requesting an Extension to the Deadline to File Supplemental Briefs Responding to the Board's Questions," has been served on the following parties via the following methods on this 28th day of January 2019:



1/28/2019

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*Clerk of the US EPA
Environmental Appeals Board (EAB):*

Eurika Durr, Clerk
US Environmental Protection Agency
Environmental Appeals Board

Service on the Clerk of the EAB is made via the EAB's electronic filing system at https://yosemite.epa.gov/OA/EAB/EAB-ALJ_Upload.nsf/HomePage?ReadForm in accordance with 40 CFR § 124.19.

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