

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

In Re:)	
)	
)	NPDES Appeal No. 11-05
Government of the District of Columbia)	
Municipal Separate Storm Sewer System)	
)	
NPDES Permit No. DC 0000221)	

**ENVIRONMENTAL PROTECTION AGENCY REGION III'S
MOTION FOR EXTENSION OF TIME TO FILE ADMINISTRATIVE RECORD**

The U.S. Environmental Protection Agency Region III (“EPA”), by and through the undersigned counsel, hereby submits to the Environmental Appeals Board (“EAB” or “Board”) the following Motion for an extension of time by one (1) business day in which to file the Administrative Record in the above-captioned case. Although EPA was unable to consult with counsel for other parties due to the late hour in which the need for this motion was determined, EPA believes that granting this Motion would not cause any prejudice to any party.

On May 16, 2012, the Board issued an Order setting deadlines in the above-captioned case, including that EPA must file its “response to the petition for review in NPDES Appeal Number 11-05, including copies of the relevant portions of the administrative record, together with a certified index of the administrative record on or before Monday, June 11,2012.” Order (5/16/12) at 1-2.

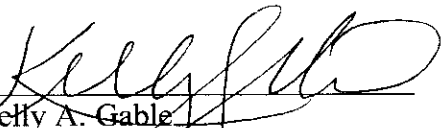
EPA electronically filed, via CDX, its response to Petition No. 11-05 and its Certified Index to the Administrative Record, earlier today (June 11, 2012). EPA also attempted to file its Administrative Record; however, EPA was unable to electronically file a significant percentage

of the files comprising that Record.¹ EPA is unsure why some files were accepted and others not, although it may be due to the size of the files, as those smaller than 500 kilobytes were accepted by the CDX system but files larger than that size were rejected. As a result, EPA is unlikely to be able to electronically file approximately half of the files comprising the Administrative Record, and will need to file those files in hard copy.

EPA believes that the requested extension of one (1) business day will not cause any prejudice to any party; indeed, to the contrary, it would facilitate review of the Administrative Record. If EPA were to electronically file all of those files below the apparent size threshold, the Administrative Record available on the online docket would be piecemeal, at best, and likely would be difficult for both the Judges and the parties to review, as the other (approximately) half would, by necessity, be filed in hard copy. As a result, EPA hereby respectfully requests an extension of one (1) business day in which to file its entire Administrative Record in hard copy.

For the foregoing reasons demonstrating good cause shown and a lack of prejudice to any party, EPA respectfully requests that the Board GRANT EPA's motion for an extension of time in which to file the Administrative Record. Respectfully submitted this 11th day of June, 2012.

For Respondent:



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Dated: June 11, 2012

¹ Of the 30 files (the first 17 Record documents) EPA attempted to file, the CDX system rejected 16. The entire Record is composed of 244 files, which together comprise 147 documents.

CERTIFICATE OF SERVICE

I hereby certify that copies of the attached Motion for Extension of Time were served on the following persons by U.S. Mail and electronic mail.

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Date: June 11th, 2012