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ENVIR. APPEALS BOARD

February 13, 2008

**VIA HAND DELIVERY**

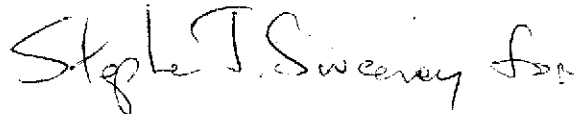
U.S. Environmental Protection Agency  
Clerk of the Board, Environmental Appeals Board  
1341 G Street, N.W., Suite 600  
Washington, D.C. 20005

Re: San Jacinto River Authority, Appeal No. NPDES 07-19

Dear Clerk of the Board:

Enclosed for filing is the original and five copies of Respondent's Third Unopposed Motion for Extension of Time to Submit a Response to Petitioner's Contentions.

Sincerely,

A handwritten signature in cursive script that reads "Stephen J. Sweeney for".

Thomas David Gillespie  
Assistant Regional Counsel

cc: Lauren Kalisek, Esq. (attorney for San Jacinto River Authority)  
Stephen Sweeney, Esq. (attorney for EPA Office of General Counsel)

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

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ENVIR. APPEALS BOARD

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In the Matter of )  
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 ) Appeal No. NPDES 07-19  
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San Jacinto River Authority )  
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Permit No. TX0054186 )  
\_\_\_\_\_ )

**RESPONDENT'S THIRD UNOPPOSED MOTION FOR EXTENSION OF TIME TO  
SUBMIT A RESPONSE TO PETITIONER'S CONTENTIONS**

The United States Environmental Protection Agency, Region 6 (Respondent) requests that the Environmental Appeals Board grant an additional twenty (20) day extension of time to the Respondent for submitting a response to the "Petition for Review of NPDES Permit Issued by Region 6 on September 28, 2007," (Petition) filed by San Jacinto River Authority (Petitioner) on October 26, 2007, in the above-captioned matter. The extension would move the date by which EPA Region 6 must respond to the Petition from February 19, 2008, to March 4, 2008. Respondent seeks this additional time because the attorney at EPA national headquarters' Office of General Counsel working on EPA's response unexpectedly underwent surgery on February 8, 2008, and thus was not able to complete her work on the response. A new attorney at national headquarters' Office of General Counsel has been assigned to this matter and will need the additional time to fully understand the nature of Petitioner's concerns, to review the fifty-nine (59) page petition, to consider (as necessary) materials from the several hundred pages of exhibits of a highly technical nature, and to coordinate with EPA Region 6 and EPA headquarters Office of Water on the response.

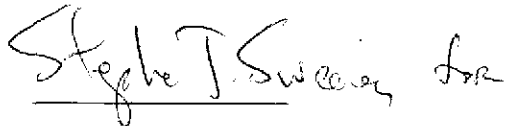
Respondent has contacted the attorney for the Petitioner by phone and the attorney for the Petitioner indicated on the phone and through e-mail that Petitioner does not oppose this request for an extension (The e-mail is attached hereto and incorporated herein as Exhibit 1).

Therefore, Respondent has shown good cause, and there will be no prejudice to the Petitioner. *In the Matter of Gwinnett County Department of Public Utilities*, 1997 WL 737974, \*3 (EAB 1997) (motion for extension of time may be granted where the moving party shows good cause and there will be no prejudice to the non-moving party); *In re B & B Wrecking and Excavating, Inc.*, 4 E.A.D. 16 (EAB 1992) (same).

For the reasons set forth above, Respondent requests that the Environmental Appeals Board extend the date by which Respondent must file a response to the "Petition for Review of NPDES Permit Issued by Region 6 on September 28, 2007" by twenty (20) days, making the response due on March 4, 2008.

Respectfully submitted this 13th day of February, 2008

United States Environmental Protection Agency, Region 6



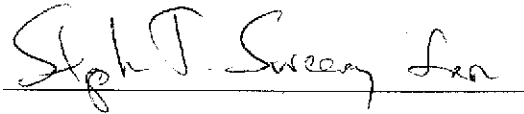
Thomas David Gillespie, Assistant Regional Counsel  
Office of Regional Counsel, EPA Region 6  
Arkansas Bar No. 96210

United States Environmental Protection Agency  
Region 6  
1445 Ross Avenue, Suite 1200  
Dallas, Texas 75202-2733

cc: Stephen Sweeney, Esq. (attorney for EPA Office of General Counsel)

CERTIFICATE OF SERVICE

I hereby certify that on this 13th day of February, 2008, copies of the foregoing were served upon Lauren Kalisek, attorney for the San Jacinto River Authority, by FedEx delivery, properly addressed and with sufficient postage affixed thereto to ensure proper delivery, and to the Clerk of the Board, Environmental Appeals Board, by hand delivery.



Thomas David Gillespie

MAILING LIST

VIA FEDEX

Lauren Kalisek, Esq.  
Loyd Gosselink Blevins Rochelle & Townsend, P.C.  
816 Congress Avenue, Suite 1900  
Austin, Texas 78701

VIA HAND DELIVERY

U.S. Environmental Protection Agency  
Clerk of the Board, Environmental Appeals Board  
1341 G Street, N.W., Suite 600  
Washington, D.C. 20005

Exhibit 1

David  
Gillespie/R6/USEPA/US

02/13/2008 01:19 PM

To Steve Sweeney/DC/USEPA/US@EPA

cc

bcc

Subject Fw: deadline extension

----- Forwarded by David Gillespie/R6/USEPA/US on 02/13/2008 12:19 PM -----



"Lauren Kalisek"  
<lkalisek@lglawfirm.com>

02/13/2008 11:13 AM

To David Gillespie/R6/USEPA/US@EPA

cc "Jace Houston" <jhouston@sjra.net>, "Don Sarich"  
<don@sjra.net>, "Tojuana Cooper" <tcooper@sjra.net>,  
"Glass, Peggy" <pglass@apaienv.com>,  
<Rex@apaienv.com>, "Angelina Villarreal"  
<avillarreal@lglawfirm.com>

Subject deadline extension

David

As we discussed, SJRA has no objection to extend the deadline for the filing of EPA's reply to SJRA's appeal to the EAB until March 4th.

Lauren Kalisek  
Lloyd Gosselink Blevins Rochelle & Townsend, P.C.  
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(direct) 512-322-5847  
(fax) 512-472-0532

To learn more about our Firm or the Water Practice Group, please visit our website at  
<http://www.LGLawFirm.com>

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