

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

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)	
In re:)	
)	NPDES Appeal No. _____
City of Ruidoso Downs and Village of)	
Ruidoso WWTP)	
)	
NPDES Permit No. NM 0029165)	
)	
)	

UNOPPOSED MOTION FOR EXTENSION OF TIME

Petitioner Rio Hondo Land & Cattle Company (“Rio Hondo”) hereby respectfully moves the Environmental Appeals Board (“Board”) to grant a 45 day extension of time for it to file an opening brief in support of its Petition for Review. Counsel for Rio Hondo has conferred with both the counsel for the United States Environmental Protection Agency (“EPA”) and the counsel for permittees Village of Ruidoso and the City of Ruidoso Downs regarding this request for an extension. Neither counsel opposes Rio Hondo’s request.

In support of its motion for a 45 day extension for the filing of an opening

brief in support of its Petition for Review, Rio Hondo states as follows:

1. The EPA issued the NPDES permit which is the subject of this proceeding on July 25, 2017. Pursuant to 40 C.F.R. § 124.19(a)(3), the deadline for filing a Petition for Review of this decision is August 28, 2017.

2. On August 22, 2017 – concurrently with the filing of this Unopposed Motion for Extension of Time – Rio Hondo filed a timely Petition for Review with the Board.

3. The undersigned counsel for Rio Hondo is unable to prepare a Petition for Review complete with the showings required by 40 C.F.R. § 124.19(a)(4) for two reasons.

(a) First, his litigation docket has been unusually congested during the month of August as he has been required to attend to the processing of two Ninth Circuit appeals – *Conservation Congress v. United States Forest Service*, Ninth Circuit Appeal No. 17-16153, and *WildEarth Guardians v. United States Department of Justice*, Ninth Circuit Appeal No 17-16677 – together with his ordinary litigation obligations.

(b) Second, he began a long-planned vacation in rural British Columbia with family on August 18, 2017, and will not return to his office until September 18, 2017. During this time, he will be on a boat and without access to

the internet for much of the time, and he will be unable to work on preparation of the opening brief in support of Rio Hondo's Petition for Review.

4. An extension of 45 days for the filing of the opening brief in support of Rio Hondo's Petition for Review – from August 28, 2017 and until and through October 12, 2017 – would provide the undersigned counsel with an adequate opportunity to prepare an adequate opening brief in support of Rio Hondo's Petition for Review, and will not prejudice the EPA or the permittees who do not oppose Rio Hondo's motion for a 45 day extension of time.

Wherefore, for the foregoing reasons, Rio Hondo respectfully submits that its Unopposed Motion for Extension of Time should be granted, and the Board should extend the deadline for the filing of Rio Hondo's opening brief in support of its timely filed Petition for Review until and through October 12, 2017.

Dated: August 22, 2017

Respectfully submitted,

/s/ Steven Sugarman
Steven Sugarman
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CERTIFICATE OF SERVICE

I hereby certify that true and correct copies of the foregoing Unopposed Motion for Extension of Time in the matter of NPDES Permit No. NM 0029165 were served by Federal Express on the following persons on August 22, 2017:

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