

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

In re Buckley Air Force Base
Municipal Separate Storm Sewer System

NPDES Appeal No. 13-07

NPDES Permit Number
CO-R042003

MOTION FOR EXTENSION OF TIME

Conservation Law Foundation (“CLF”) and Natural Resources Defense Council (“NRDC”) respectfully request that the Environmental Appeals Board (“EAB”), in the event that it grants CLF and NRDC’s separately filed Motion for Leave to Participate as Non-Party *Amici*, also grant a 14-day extension of time to file their *amicus* brief in the above-captioned matter. CLF and NRDC seek this additional time because the current deadline for *amicus* briefs in this matter, December 30, 2013,¹ falls during the middle of the holiday season, when CLF and NRDC Counsel will be on previously scheduled vacation. In fact, more than half of the fifteen-day period between the filing of EPA’s response brief (the earliest point at which the organizations could determine which arguments and issues to raise as *amici*) and the deadline for *amicus* briefs conflicts with CLF and NRDC Counsel holiday travel.

CLF and NRDC Counsel believe that a 14-day extension will allow their organizations to provide an adequate response to the arguments raised in Petitioner’s and EPA’s briefs, and that

¹ The deadline for filing *amicus* briefs is 15 days after the filing of the response brief. 40 C.F.R. § 124.19(e). EPA filed its response brief in this case on December 13, 2013, making the deadline for *amicus* briefs December 28, 2013, a Saturday. Pursuant to EPA’s regulations, “If the final day of any time period falls on a weekend or legal holiday, the time period shall be extended to the next working day.” 40 C.F.R. § 124.20(c). Under this rule, the deadline is thus Monday, December 30, 2013.


such an extension will not prejudice the parties due to the fact that proceedings in this case have been stayed while the parties participate in Alternative Dispute Resolution.²

CLF and NRDC have contacted Counsel for EPA Region 8, who represents that EPA does not oppose this extension request. CLF and NRDC also made multiple attempts to ascertain the Air Force's position on this Motion, contacting Counsel for the Air Force via e-mail on December 13, 2013, and December 16, 2013, but received no response.

For the reasons set forth above, CLF and NRDC respectfully request that their Motion for Extension of Time to file their *amicus* brief be granted and that the EAB extend the deadline for the *amicus* brief to January 13, 2014.

Respectfully submitted,

Date: 12/17/2013



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² *In re Buckley Air Force Base Municipal Separate Storm Sewer System*, NPDES Appeal No. 13-07 (Dec. 5, 2013) (Order Staying Proceedings to Allow Parties to Participate in ADR).

Certificate of Service

I hereby certify that copies of the foregoing Motion for Extension of Time in the matter of Buckley Air Force Base Municipal Separate Storm Sewer System, NPDES Appeal No. 13-07, were served:

Via the EAB's E-Filing System to:


Clerk of the Board
United States Environmental Protection Agency
Environmental Appeals Board
Colorado Building
1341 G Street NW, Suite 600
Washington, DC 20005

Via E-Mail and U.S. Mail to:

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