

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

In re:)	
)	
Evoqua Water Technologies LLC and)	RCRA Appeal No. 18-01
Colorado River Indian Tribes)	
)	
RCRA Permit No. AZD982441263)	
)	

**THIRD ORDER EXTENDING DEADLINE FOR FURTHER BRIEFING
ON MOTION FOR STAY OF PERMIT PROVISIONS PENDING BOARD REVIEW**

The Board has ordered the parties Evoqua Water Technologies LLC (“Evoqua”), the Colorado River Indian Tribes (“Tribes”), and EPA Region 9 (“Region”) to file supplemental briefs in response to Evoqua’s motion to remand the Region’s Notification of stayed Permit¹ provisions or, in the alternative, to stay the Permit pending appeal. *See* Order for Further Briefing on Evoqua’s Motion for Stay of Permit Proceedings Pending Board Review (Dec. 14, 2018); Evoqua’s Motion to Remand EPA Notice of Stayed Permit Provisions or, in the Alternative, Motion to Stay Permit Pending Appeal (Nov. 14, 2018). The Board has also ordered the Region to confer with EPA’s Office of General Counsel prior to filing its supplemental brief and has directed all three parties to meet and confer in advance of their filings to narrow their areas of disagreement or resolve, if possible, the issues raised in Evoqua’s motion and to report to the Board on the outcome of their meet and confer efforts. *See* Order for Further Briefing

¹ The permit at issue in this proceeding is the Resource Conservation and Recovery Act Final Permit, I.D. Number AZD982441263, issued by the Region to Evoqua and the Tribes on September 25, 2018, for the carbon regeneration facility located at 2523 Mutahar Street, Parker, Arizona 85244.

(Dec. 14, 2018). The parties' supplemental briefs had been due January 8, 2019, but the Board subsequently issued two extensions of the deadline – one in response to a motion filed by the Region, and the other in response to a motion filed by Evoqua, and the parties' supplemental briefs are currently due on February 11, 2019. *See* Order Extending Deadline for Further Briefing on Motion for Stay of Permit Provisions Pending Board Review (Dec. 20, 2018); Second Order Extending Deadline for Further Briefing on Motion for Stay of Permit Provisions Pending Board Review (Jan. 29, 2019).

The Region now requests a third extension of the deadline until February 25, 2019. As grounds for the motion, the Region states that the Office of General Counsel has requested an additional two weeks to ensure that the Region's responses to the questions posed by the Board properly reflect the Agency's views. The Region represents that the request is based, in part, on the Office of General Counsel's significant workload due to the recent partial government shutdown. The Region reports that it conferred with Evoqua and the Tribes on February 5, 2019, at which time the Region presented its views on the pending questions based on its initial consultation with the Office of General Counsel. The Region represents that should its subsequent discussions with the Office of General Counsel alter any of its positions, the Region would be willing to confer again with the other parties prior to the supplemental briefing deadline.

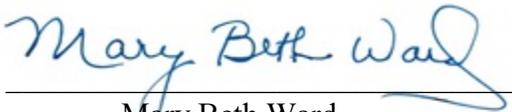
The Region states that Evoqua opposes the motion for a further two-week extension of time and that the Tribes do not.

For good cause shown, the Board **GRANTS** the Region's motion and extends the deadline for filing supplemental briefs to **February 25, 2019**.

So ordered.

ENVIRONMENTAL APPEALS BOARD

Date: February 8, 2019

By: 

Mary Beth Ward
Environmental Appeals Judge

CERTIFICATE OF SERVICE

I certify that copies of the foregoing **THIRD ORDER EXTENDING DEADLINE FOR FURTHER BRIEFING ON MOTION FOR STAY OF PERMIT PROVISIONS PENDING BOARD REVIEW** in the matter of *Evoqua Water Technologies LLC*, RCRA Appeal No. 18-01, were sent to the following persons by email:

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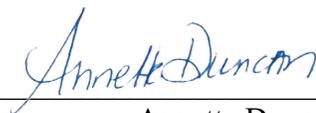
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