

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

In re:)
)
Buckley Air Force Base)
Municipal Storm Sewer System) NPDES Appeal No. 13-07
)
NPDES Permit No. CO-R042003)
_____)

**ORDER EXTENDING TIME TO FILE RESPONSE TO
PETITION FOR REVIEW**

By motion filed with the Board on October 24, 2013, U.S. EPA Region 8 (“Region”) seeks an extension of time until November 30, 2013, to file a response to the Petition for Review filed by the United States Department of the Air Force (“Air Force”) in the above-captioned matter. Motion for Extension of Time to Respond (“Motion”) (Oct. 24, 2013). The Air Force’s petition was filed with the Board on September 30, 2013. Thus, absent an extension of time, the Region’s response, along with a certified index to the administrative record and relevant portions of the administrative record, is due on October 30, 2013. See 40 C.F.R. § 124.19(b)(2). The Motion states that additional time is needed “based on a number of factors that will make it very difficult to provide an adequate response” within the 30-day time period. Motion at 1. In particular, the Region states that during the 16-day government shutdown from October 1st through October 16, 2013, the Region “was unable to work on its response to the Air Force

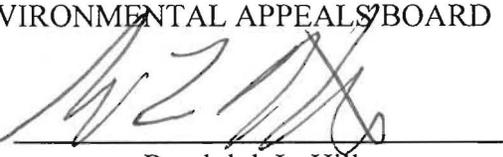
petition.” *Id.* In addition, the Region states that the Air Force “has raised a number of issues that concern several offices and Regions within EPA, including the Office of General Counsel and EPA Region 10. Responding to the Petition will require extensive coordination among these offices to fully address the issues raised by the Petitioner.” *Id.* at 1-2. The Region states further that the Air Force does not oppose the Motion.

Upon consideration, the Motion is granted. The Region’s response, along with a certified index to the administrative record and relevant portions of the administrative record, must now be filed¹ with the Board no later than November 27, 2013.²

So ordered.

Dated: October 29, 2013

ENVIRONMENTAL APPEALS BOARD

By: 

Randolph L. Hill

Environmental Appeals Judge

¹ Documents are “filed” with the Board on the date they are *received*. 40 C.F.R. § 124.19(i).

² Although the Motion seeks an extension until November 30, 2013, that date falls on the Saturday following the Thanksgiving holiday. The November 27th date provides the Region with an additional 28 days (12 days more than the government shutdown) and avoids the holiday weekend.

CERTIFICATE OF SERVICE

I hereby certify that copies of the forgoing Order Extending Time to File Response to Petition for Review in the matter of Buckley Air Force Base, Municipal Separate Storm Sewer System, NPDES Appeal No. 13-07, were sent to the following persons in the manner indicated:

First Class Mail:

Jerald C. Thompson
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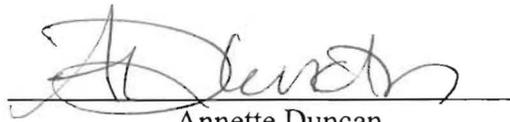
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Dated: OCT 29 2013


Annette Duncan
Secretary