



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

In re:)
))
City of Nezperce, Idaho) NPDES Appeal No. 19-02
))
NPDES Permit No. ID0020397)
))
))

**ORDER GRANTING UNOPPOSED MOTION FOR EXTENSION OF
TIME TO FILE RESPONSE**

The City of Nezperce, Idaho (“City”) has petitioned for review of the National Pollution Discharge Elimination System (“NPDES”) permit governing discharges from the City’s wastewater treatment plant issued by U.S. Environmental Protection Agency, Region 10 (“Region”). By motion filed with the Environmental Appeals Board (“Board”) on August 19, 2019, the Region seeks a thirty-five-day extension of time, until September 30, 2019, to file its response to the petition along with a certified index to the administrative record and relevant portions of the administrative record. EPA Region 10’s Unopposed Motion for Extension of Time to File Response Brief (“Motion”).

In support of the extension request, the Motion states that the EPA regional attorney assigned to this matter was out of the office from August 5, 2019 to August 9, 2019, and will be out of the office again from August 26, 2019 to September 4, 2019, and that the Office of General Counsel (“OGC”) attorney assigned to the matter is out of the office from August 12, 2019 to August 23, 2019. Motion at 2. As a result, EPA counsel “have not had the opportunity to coordinate and/or discuss this appeal in detail and will not have an opportunity to prepare a

response brief or record index before their current due date.” *Id.* The Motion states that the Region has consulted with OGC and the Office of Water and that both offices have concurred on this extension request. *Id.* Finally, the Motion states that the Region contacted counsel for the City and that the City does not oppose the extension. *Id.*

Based on the Region’s representations, the Board **GRANTS** the Motion. The Region’s response, along with a certified index to the administrative record and relevant portions of the administrative record, shall be filed with the Board no later than September 30, 2019, but the Region is encouraged to file the index to the record and relevant portions of the record, preferably electronically, as soon as possible.

So ordered.

ENVIRONMENTAL APPEALS BOARD

Dated: August 20, 2019

By: 

Kathie A. Stein
Environmental Appeals Judge

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing **Order Granting Unopposed Motion for Extension of Time to File Response** in the matter of *City of Nezperce, Idaho*, NPDES Appeal No. 19-02, were sent to the following persons in the manner indicated:

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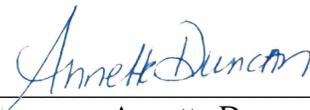
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Dated: August 20, 2019



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