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

In re:

CITY OF TWIN FALLS

NPDES Appeal Nos. 09-12 & 10-08

NPDES Permit No. ID-002127-0

JOINT STATUS REPORT

U.S. Environmental Protection Agency (EPA), Region 10 (Region) and the City of Twin Falls (City) respectfully submit this joint status report per the Environmental Appeals Board's (Board) November 23, 2010 Order Granting Stay and Scheduling Status Reports. In its order, the Board stayed the above-captioned matter until May 30, 2011. The Board further directed the parties to "file joint reports on December 30, 2010 and March 30, 2011, explaining the status of this matter, which shall include a discussion of whether it is appropriate to continue or modify the stay, or dismiss the petition."¹

The public comment period for Idaho Department of Environmental Quality's (IDEQ) proposed TMDL revision ended on November 26, 2010. IDEQ has since indicated to counsel for EPA that preparation of a revised TMDL for EPA review and approval is taking longer than previously expected. IDEQ anticipates submitting a revised TMDL to EPA in January 2011.

¹ Order Granting Stay and Scheduling Status Reports (Nov. 23, 2010).

EPA previously estimated that it would take approximately five and a half months or less from the time IDEQ submitted a revised TMDL for EPA to issue a final permit modification incorporating effluent limits based on the revised WLA. This estimate has not changed.

At this time, the precise extent and impact of a delayed submission of a revised TMDL to EPA is unknown. Because of this uncertainty, the parties do not propose a modification to the stay.

Dated this 29th day of December, 2010.

Respectfully submitted,

/s/

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CERTIFICATE OF SERVICE

I certify that on December 29th, 2010, the foregoing Joint Status Report in the matter of *In Re: City of Twin Falls*, NPDES Appeal Nos. 09-12 & 10-08, was electronically filed with the Clerk of the Environmental Appeals Board, U.S. Environmental Protection Agency, and was served by electronic mail on the following:

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/s/

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