

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

In re:)	
)	
City and County of San Francisco)	NPDES Appeal No(s). 20-01
)	
NPDES Permit No. CA0037681)	
)	

**ORDER GRANTING EXTENSION OF TIME, SCHEDULING ORAL ARGUMENT,
 AND DIRECTING PARTIES TO PROVIDE NOTICE OF PARTICIPATION**

On January 13, 2020, the City and County of San Francisco (“San Francisco”) filed a petition for review with the Environmental Appeals Board (“Board”) seeking review of a joint NPDES authorization issued by EPA Region 9 and the California Regional Water Quality Control Board for the San Francisco Bay Region. The authorization allows San Francisco to discharge from San Francisco’s existing Oceanside wastewater facility into the Pacific Ocean.

For reasons explained in the Board’s June 18, 2020 order in this matter, the Board granted San Francisco leave to supplement its petition, which San Francisco timely filed on June 30, 2020 (“Supplemental Petition”). On that same day, the parties jointly filed a motion for an extension of time for the deadlines to file a response and a reply to the Supplemental Petition. (“Joint Motion”). In support of the extension, the parties explain that the law firm representing San Francisco in this matter to date would no longer serve as San Francisco’s counsel as of July 1, 2020. As such, San Francisco requests additional time to allow its new counsel to become familiar with the case and to reply to Region 9’s response to the Supplemental Petition. Region 9 seeks additional time for its response as a matter of equity. The parties jointly proposed a revised briefing schedule. Based on the representations in the Joint Motion, the Board grants the

motion to extend the remaining time for briefing on the Supplemental Petition as proposed by the parties.

- The Region must file its response to the Supplemental Petition on or before **July 23, 2020**.
- San Francisco must file its reply to the Region's Response to the Supplemental Petition on or before **August 12, 2020**.

Additionally, in its Petition for Review, San Francisco requested oral argument in this matter. In its response brief EPA Region 9 did not state any objection to San Francisco's request.

Upon review of the record, the Board has concluded that oral argument would assist the Board in its deliberation of this matter. In preparation for setting a date for an oral argument conducted by videoconference, the Clerk of the Board contacted the parties via email on June 29, 2020, to inform the parties of the Board's intent to schedule oral argument on August 18, 2020, and to determine whether the parties had any conflicts with that date. The parties, in the Joint Motion, request that the Board instead set the date for oral argument in September 2020 or later, again to allow San Francisco's new counsel adequate time to prepare for oral argument. In view of this request, the Board will hold oral argument on this matter on **September 24, 2020**, beginning at 1:00pm Eastern Time. Oral argument will be conducted by videoconference. No video or audio recording is allowed. A court reporter will be present, and the Board intends to post a transcript of the argument to the docket in this matter.

The Board directs each party to file a "Notice Regarding Oral Argument" on or before **August 27, 2020**, providing the name of the individual who will present argument on its behalf. The Board has allocated 60 minutes total for this oral argument, divided as follows and in the

following order: (1) 30 minutes for San Francisco; and (2) 30 minutes for EPA Region 9. San Francisco may reserve up to 10 minutes of its 30-minute allocation for rebuttal.

Finally, any new counsel for San Francisco shall file an appropriate “Notice of Appearance” as soon as possible with the Board. On or before **August 3, 2020**, San Francisco shall file an update with the Board as to the status of retaining new counsel if no new counsel has filed a Notice of Appearance on behalf of San Francisco before that date.

So ordered.

ENVIRONMENTAL APPEALS BOARD

Dated: July 7, 2020

By: 

Aaron P. Avila
Environmental Appeals Judge

CERTIFICATE OF SERVICE

I certify that copies of the *Order Granting Extension of Time, Scheduling Oral Argument, and Directing Parties to Provide Notice of Participation* in the matter of City and County of San Francisco, NPDES Appeal No. 20-01, were sent to the following persons by email:

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Dated: ***Jul 07 2020***



Eurika Durr
Clerk of the Board