

**BEFORE THE ENVIRONMENTAL APPEALS BOARD  
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, DC**

In re Final RCRA Permit for	)	
	)	
Evoqua Water Technologies LLC and	)	
Colorado River Indian Tribes	)	RCRA Appeal No. RCRA 18-01
2523 Mutahar Street	)	
Parker, Arizona 85344	)	
	)	
EPA RCRA ID No. AZD982441263	)	
	)	

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**EVOQUA WATER TECHNOLOGIES LLC’S MOTION TO EXTEND DEADLINE  
TO FILE SUPPLEMENTAL BRIEFS ON EVOQUA’S MOTION  
FOR STAY OF PERMIT PROVISIONS PENDING BOARD REVIEW**

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Per 40 C.F.R. § 124.19(f), (g), Petitioner, Evoqua Water Technologies LLC (“*Evoqua*”), hereby moves for an extension of time for the parties (Evoqua, U.S. Environmental Protection Agency, Region IX (the “*Region*”), and the Colorado River Indian Tribes (“*CRIT*”)) to file supplemental briefs per the Environmental Appeals Board’s (the “*Board’s*”) December 14, 2018 Order for Further Briefing on Evoqua’s Motion for Stay of Permit Provisions Pending Board Review (“*12-14-2018 Order*”) and subsequent December 20, 2018 Order Extending Deadline for Further Briefing on Motion for Stay of Permit Provisions Pending Board Review (“*12-20-2018 Order*”).

The requested extension would change the deadline by which the parties must file their supplemental briefs from January 22, 2019, to the date that is two weeks from the date the current federal government shutdown ends. As grounds for this motion, Evoqua states the following:

1. On November 14, 2018, Evoqua filed a Motion to Remand EPA Notice of Stayed Permit Provisions or, in the Alternative, Motion to Stay Permit Pending Appeal (“*Motion to*

*Remand/Stay*”). The Region filed a response to the Motion to Remand/Stay on November 29, 2018, and Evoqua filed a reply to the Region’s response on December 6, 2018.

2. The Board’s 12-14-2018 Order requires the parties to file supplemental briefs addressing three specific questions, meet and confer prior to filing their supplemental briefs, and report to the Board on the outcome of their meet-and-confer efforts.
3. On December 18, 2018, the Region filed a motion for extension of time to file supplemental briefs in response to the Board’s 12-14-2018 Order. Evoqua opposed the Region’s motion and filed a response on December 20, 2018. The Board’s 12-20-2018 Order extended the deadline for filing supplemental briefs by two weeks, to January 22, 2019.
4. On December 22, 2018, the federal government shut down due to a lapse in appropriations. The parties had scheduled to meet and confer, per the Board’s 12-14-2018 Order, on January 9, 2019, but EPA’s counsel was furloughed and the scheduled January 9 meet-and-confer was therefore cancelled. As of the date of this filing, the shutdown is still ongoing. Accordingly, the parties have been unable to meet and confer.
5. For the foregoing reasons, Evoqua requests that the Board revise the deadlines in its 12-20-2018 Order to provide that the parties file their supplemental briefs by the date that is two weeks from the date the current federal government shutdown ends, and that they meet and confer prior to that date.
6. On January 11, 2019, in an email to Evoqua’s counsel, CRIT’s counsel advised that the Tribe concurs with the extension requested in this motion.
7. Counsel for Evoqua attempted to confer by email with counsel for the Region regarding this motion and the requested extension, but due to the ongoing government shutdown and

the furloughing of the Region's counsel, Evoqua has understandably not received a response as of the filing of this motion.

**STATEMENT OF COMPLIANCE WITH WORD LIMITATION**

Undersigned counsel for Evoqua hereby certifies that this motion complies with the word limit of 40 C.F.R. § 124.19(f)(5) because this motion contains 589 words.

**CERTIFICATE OF CONFERENCE**

Per 40 C.F.R. § 124.19(f)(2), counsel for Evoqua conferred with counsel for CRIT and counsel for CRIT advised that CRIT concurs with the extension requested in this motion. Counsel for Evoqua attempted to confer with counsel for the Region via email regarding this motion and the requested extension, but due to the ongoing government shutdown, Evoqua has not received a response from counsel for the Region as of the filing of this motion.

Date: January 14, 2019

Respectfully submitted,

*/s/ Bryan J. Moore*

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**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing motion has been served on the following parties via the following method on this 14th day of January 2019:

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U.S. EPA, Environmental Appeals Board

*/s/ Bryan J. Moore*  
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