

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
ENVIRONMENTAL APPEALS BOARD

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In the Matter of:

CITY OF NEZPERCE

NPDES Permit No. ID0020397  
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)  
) Appeal No. NPDES 19-02  
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)

**EPA REGION 10'S UNOPPOSED  
MOTION FOR EXTENSION OF TIME  
TO FILE RESPONSE BRIEF**

The United States Environmental Protection Agency, Region 10 ("Region") respectfully requests an extension of time in which to file its response brief to Appeal No. NPDES 19-02.

The extension would move the date by which the Region must respond to the Petition for Review ("Petition") filed by the City of Nezperce ("City") from August 26, 2019 to September 30, 2019.

As grounds for the motion, the Region states as follows:

1. On July 25, 2019, the City filed with the Environmental Appeals Board ("EAB") a Petition for Review of NPDES Permit No. ID0020397 issued to the City of Nezperce Wastewater Treatment Plant ("Facility"). This Petition was assigned Appeal No. NPDES 19-02.

2. Pursuant to 40 C.F.R. § 124.19(b)(2), "the Regional Administrator must file a response to the petition, a certified index of the administrative record, and the relevant portions of the administrative record within 30 days after the filing of the petition." Therefore, the

Region's response brief and certified index of the administrative record is currently due on August 26, 2019.

3. The EPA regional attorney assigned to this appeal was out of the office from August 5, 2019 to August 9, 2019.

4. The EPA Office of General Counsel (OGC) attorney assigned to this appeal is out of the office from August 12, 2019 to August 23, 2019. The EPA OGC attorney is a key reviewer of the response brief.

5. In addition, the EPA regional attorney will be out of the office from August 26, 2019 to September 4, 2019. As stated above, the filing deadline for the response brief is August 26, 2019.

6. Given that the attorneys assigned to this appeal have been (and will be) out of the office for much of the month of August into early September, they 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.

7. The Region has consulted with the OGC and the Office of Water (OW) regarding this extension request. *See Procedures for Coordination OE-OGC-Regions Environmental Appeals Board (Jan. 25, 1993)*. Both of these offices have concurred on this extension request.

8. On August 15, 2019, the EPA regional attorney assigned to this appeal sent counsel for the City an email message to attempt to determine whether the City would oppose this motion. Counsel for the City has stated that the City will not oppose this motion. *See Attachment 1*. There are no other parties to the proceedings.

9. As such, the Region requests that the EAB grant an extension on the time to file a response brief and certified index of the administrative record to September 30, 2019.

DATED: August 19, 2019

Respectfully Submitted



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**CERTIFICATE OF SERVICE**

I certify that the foregoing "EPA Region 10's Unopposed Motion for Extension of Time to File Response Brief" was sent to the following persons, in the manner specified, on the date below:

By electronic filing to:

Clerk of the Board  
U.S. Environmental Protection Agency  
Environmental Appeals Board  
1200 Pennsylvania Avenue, NW  
Mail Code 1103M  
Washington, DC 20460-0001

By electronic and U.S. Mail to:

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DATED: August 19, 2019



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U.S. EPA, Region 10