

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
ENVIRONMENTAL APPEALS BOARD

In the Matter of:)	
)	
TULALIP TRIBES OF WASHINGTON)	
WASTEWATER TREATMENT PLANT)	
NPDES Permit No. WA0024805)	Appeal Nos. NPDES 24-02 & 24-03
)	
&)	JOINT MOTION TO CONSOLIDATE
)	PETITIONS FOR REVIEW AND FOR
LUMMI TRIBAL SEWER AND WATER)	EXTENSION OF TIME
DISTRICT)	
)	
GOOSEBERRY POINT)	
WASTEWATER TREATMENT PLANT)	
NPDES Permit No. WA 0025666)	
)	
SANDY POINT WASTEWATER)	
TREATMENT PLANT)	
NPDES Permit No. WA 0025658)	

The United States Environmental Protection Agency, Region 10 (“Region”) AND Northwest Environmental Advocates (“NWEA”) respectfully request that the Environmental Appeals Board (“Board”) consolidate the above-captioned matters. In addition, the parties further request an extension to the briefing schedule as set forth below.

On August 8, 2024, the Region issued National Pollutant Discharge Elimination System (“NPDES”) Permits to the Tulalip Tribes of Washington Wastewater Treatment Plant (“Tulalip

WWTP”), NPDES Permit No. WA0024805; Sandy Point Wastewater Treatment Plant (“Sandy Point WWTP”), NPDES Permit No. WA0025658; and Gooseberry Point Wastewater Treatment Plant (“Gooseberry Point WWTP”), NPDES Permit No. WA0025666. All three of these facilities discharge to the Puget Sound Watershed. On September 7, 2024, NWEA filed a Petition for Review of the NPDES permit issued for the Tulalip WWTP which was assigned Appeal No. NPDES 24-02. On September 9, 2024, NWEA filed a Petition for Review of the NPDES permits issued to the Sandy Point WWTP and Gooseberry Point WWTP which was assigned Appeal No. NPDES 24-03.

NPDES Appeal Nos. 24-02 and 24-03 involve the same issues on appeal: (1) whether the Region erred in failing to establish a numeric nitrogen effluent limit in the permits for the facilities which discharge to Puget Sound and (2) whether certain narrative conditions included in each permit will ensure compliance with applicable water quality standards. Further, the appeals involve the same parties. Therefore, consolidation of the appeals with single response and reply deadlines will further the interests of judicial economy.

The current briefing schedule, established pursuant to 40 C.F.R. § 124.19, applies to the petitions:

- Response Brief: Due on October 7, 2024;
- Reply Brief: Due on October 22, 2024.

Due to the issue raised in NWEA’s petitions, the Region will need to coordinate closely with EPA Headquarters in preparing the response to the petitions. Key personnel will be out of the office the week preceding the current response brief deadline. In addition, the Region anticipates that the administrative record index for these permits will be large and might require redaction of personally identifiable information (PII). The parties have conferred and are requesting that the Board establish the following briefing schedule:

- Response Brief: Due on November 7, 2024
- Reply Brief: Due on December 6, 2024.

Accordingly, the parties request that the Board consolidate NPDES Appeal Nos. 24-02 and 24-03 and establish the briefing schedule set forth above.

DATED: September 19, 2024

Respectfully Submitted

s/ Courtney Weber

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DATED: September 19, 2024

Respectfully Submitted

s/ James N. Saul

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CERTIFICATE OF SERVICE

I, James N. Saul, hereby certify that on September 19, 2024, I served a copy of the foregoing JOINT MOTION TO CONSOLIDATE PETITIONS FOR REVIEW AND FOR EXTENSION OF TIME upon counsel for EPA Region 10 via electronic mail addressed to:

Courtney Weber
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s/ James N. Saul

*Attorney for Petitioner
Northwest Environmental Advocates*