

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

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ENVIR. APPEALS BOARD

In the Matter of:)

) Appeal No. NPDES 07-19
)
)

San Jacinto River Authority)
)
)

Permit No. TX0054186)
)
)

**RESPONDENT'S FOURTH UNOPPOSED MOTION FOR EXTENSION OF TIME TO
SUBMIT A RESPONSE TO PETITIONER'S CONTENTIONS**

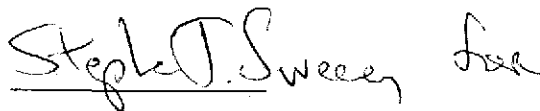
The United States Environmental Protection Agency, Region 6 (Respondent) requests that the Environmental Appeals Board grant an additional fifteen (15) day extension of time to the Respondent for submitting a response to the "Petition for Review of NPDES Permit Issued by Region 6 on September 28, 2007," (Petition) filed by San Jacinto River Authority (Petitioner) on October 26, 2007, in the above-captioned matter. The extension would move the date by which EPA Region 6 must respond to the Petition from March 4, 2008, to March 19, 2008. Respondent seeks this additional time in order to discuss with senior managers in EPA Region 6 and EPA Headquarters certain matters argued in the Petition that only presented themselves in clear terms as a result of drafting the response, which will require significant policy input. In addition, press reports regarding interest in the Petition by third parties also have evoked management interest. Respondent has contacted the attorney for the Petitioner by phone and the attorney for the Petitioner indicated on the phone and through e-mail that Petitioner does not oppose this request for an extension (The e-mail is attached hereto and incorporated herein as Exhibit 1).

Therefore, Respondent has shown good cause, and there will be no prejudice to the Petitioner. *In the Matter of Gwinnett County Department of Public Utilities*, 1997 WL 737974, *3 (EAB 1997) (motion for extension of time may be granted where the moving party shows good cause and there will be no prejudice to the non-moving party); *In re B & B Wrecking and Excavating, Inc.*, 4 E.A.D. 16 (EAB 1992) (same).

For the reasons set forth above, Respondent requests that the Environmental Appeals Board extend the date by which Respondent must file a response to the "Petition for Review of NPDES Permit Issued by Region 6 on September 28, 2007" by fifteen (15) days, making the response due on March 19, 2008.

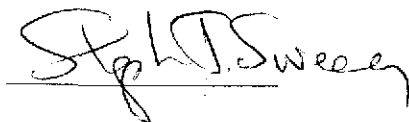
Respectfully submitted this 29th day of February, 2008

United States Environmental Protection Agency, Region 6



Thomas David Gillespie, Assistant Regional Counsel
Office of Regional Counsel, EPA Region 6
Arkansas Bar No. 96210

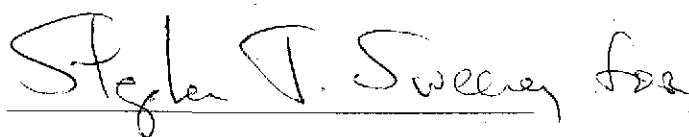
United States Environmental Protection Agency
Region 6
1445 Ross Avenue, Suite 1200
Dallas, Texas 75202-2733



Stephen Sweeney, Attorney-Advisor
Office of General Counsel (2355A)
U.S. Environmental Protection Agency
1200 Pennsylvania Ave., NW
Washington, DC 20460

CERTIFICATE OF SERVICE

I hereby certify that on this 29th day of February, 2008, copies of the foregoing were served upon Lauren Kalisek, attorney for the San Jacinto River Authority, by FedEx delivery, properly addressed and with sufficient postage affixed thereto to ensure proper delivery, and to the Clerk of the Board, Environmental Appeals Board, by hand delivery.

The image shows a handwritten signature in dark ink. The signature appears to be "Stephen T. Sweeney" followed by a small mark that looks like "for". The signature is written in a cursive, flowing style.

Thomas David Gillespie

MAILING LIST

VIA FEDEX

Lauren Kalisek, Esq.
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VIA HAND DELIVERY

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