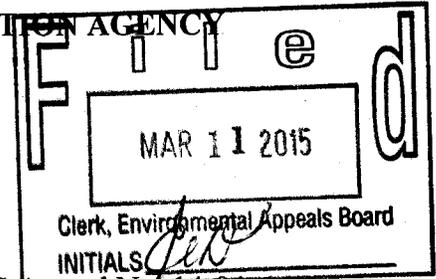


BEFORE THE ENVIRONMENTAL APPEALS BOARD
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C.



_____)
In re: _____)
_____)
Lee Ranch Coal Company _____)
(El Segundo Mine) _____)
_____)
NPDES Permit No. NM0030996 _____)
_____)

NPDES Appeal No. 14-04

ORDER CONTINUING STAY UNTIL APRIL 15, 2015

On November 3, 2014, Lee Ranch Coal Company filed a petition with the Environmental Appeals Board (“Board”) seeking review of a National Pollutant Discharge Elimination System renewal permit, Permit No. NM0030996, that United States Environmental Protection Agency Region 6 (“Region”) had issued to it. On November 28, 2014, the Board granted a joint motion from the parties requesting a stay in this matter. Order Granting Joint Motion to Stay Proceedings at 2. The matter was stayed until February 27, 2015, to allow the parties to undertake settlement negotiations. *Id.*

On February 25, 2015, the parties filed a joint status report and request for a continuance of the stay with the Board. *See* Joint Second Status Report and Request to Continue Stay. The parties state that they “have continued to engage and address the contested issues and believe that such discussions have remained constructive toward attempting to work out a resolution of the matter.” *Id.* at 1-2. They further state that the Region has been undergoing a reorganization and that the Region therefore needs “additional time to bring the new staff up to speed on the issues and status of the negotiations, while continuing efforts to resolve this matter.” *Id.* at 2. The

parties request an extension until April 30, 2015. *Id.* at 1.

Based on the parties' very brief status report, the Board has concerns about the status of the settlement negotiations and believes that a full two-month extension is not warranted under these circumstances. Accordingly, the Board GRANTS, IN PART, the parties' motion, and hereby continues the stay in the above-captioned matter until April 15, 2015. The parties are ordered to file a joint status report with the Board on or before April 15, 2015, informing the Board of the status of the permit negotiations. In their report, the parties shall also include a discussion of whether it is appropriate to continue the stay, dismiss the petition, or establish a schedule for the Region to file a response to the petition, a certified index of the administrative record, and the relevant portions of the administrative record. The Board will scrutinize carefully any additional requests for extensions of the stay. The Board may also require the parties to participate in a status conference to further explain their reasons for requesting additional continuances of the stay.

So ordered.

Dated: *March 11, 2015*

ENVIRONMENTAL APPEALS BOARD

By: *Kathie A. Stein*
Kathie A. Stein
Environmental Appeals Judge

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing Order Continuing Stay Until April 15, 2015, in the matter of Lee Ranch Coal Co., NPDES Appeal No. 14-04, were sent to the following persons in the manner indicated:

By Pouch Mail:

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Dated: MAR 11 2015


Annette Duncan
Secretary