

From: George Tsiolis
To: [Engelman, Alexa](#)
Cc: "[Rita Maguire](#)"
Subject: EAB UIC Appeals 17-01, 17-02, 17-03 - Florence Copper - Consent to Electronic Service
Date: Wednesday, February 1, 2017 5:52:51 AM

Hi Alexa,

You have FCI's consent to electronic service.

FCI too may file a separate response to each petition, so if you could phrase the motion in a way that invites application of the clarifying order to both EPA and FCI, we would appreciate it.

In case I missed it in one of your earlier e-mails, may I assume that FCI has EPA's consent to electronic service as well?

Please note, I plan to ask the appellants' attorneys whether they consent to FCI providing only electronic service. I will include you in that e-mail because the e-mail will also suggest that each party file an acknowledgment of its consent to e-service with the EAB in order to ensure that any e-service that occurs after the effective date of the new rules complies with new § 124.19(i)(3)(ii) ("A party who consents to service by facsimile or other electronic means must file an acknowledgement of its consent (identifying the type of electronic means agreed to and the electronic address to be used) with the Clerk of the Environmental Appeals Board.").

Best regards,

George Tsiolis
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From: Engelman, Alexa [mailto:ENGELMAN.ALEXA@EPA.GOV]
Sent: Tuesday, January 31, 2017 8:41 PM
To: George Tsiolis; Rita Maguire
Subject: RE: EAB UIC Appeals 17-01, 17-02, 17-03 - Florence Copper's Notice of Appearance

George:

I wanted to ask if you could provide a response to this email to be attached to my motion for clarification and to be filed with the Board covering only the issue

of electronic filing at your earliest convenience.

Many thanks,
Alexa

From: Engelman, Alexa
Sent: Friday, January 27, 2017 12:24 PM
To: 'George Tsiolis' <gtsiolis@nj.rr.com>; 'Rita Maguire' <RMaguire@AZLandandWater.com>
Subject: RE: EAB UIC Appeals 17-01, 17-02, 17-03 - Florence Copper's Notice of Appearance

Mr. Tsiolis:

Thank you for providing the notice of appearance. If you and Rita are agreeable to receiving electronic service of future filings in lieu of paper copies from EPA, I will note that in my next motion to the EAB. I may also seek clarification from the EAB as the Order regarding the motion for extension indicated that the Region would be filing a consolidated response to the three petitions. However, the Region intends to file separate responses due to the distinct issues raised in each petition and believes it would benefit the petitioners, the EPA and FCI in defense of the permit, and the EAB in its review to have comprehensive and separate responses to the issues raised in each of the three petitions.

If you are amendable to electronic filing and EPA's proposed motion to clarify this matter and are able to provide a response via email I would greatly appreciate your reply.

Best,
Alexa