

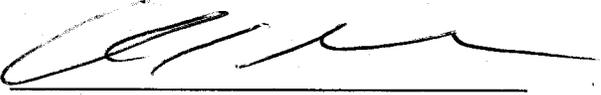
additional extension of the stay is sought to “allow the EPA to complete its review of the permit application and issue a decision that may affect [the above-captioned] proceedings.” *Id.*

For good cause shown, the Board **GRANTS** a one-month stay of the effective date of the Order Denying Review, until July 19, 2009.¹ Additionally, on or before July 10, 2009, the Region shall submit a status report regarding the projected timing of the aforementioned permit application review and decision. Either party may submit, prior to July 19, 2009, a motion to vacate the stay. Once the Board receives the Region’s filing, it will determine whether a further stay and of what duration would be appropriate.

So ordered.

ENVIRONMENTAL APPEALS BOARD

Dated: June 24, 2009

By: 

Edward E. Reich
Environmental Appeals Judge

¹ As noted in the August 25, 2008 Order Denying Motion for Reconsideration and Granting Stay and February 19, 2009 Order Granting Stay, for purposes of judicial review, a final agency action occurs only after “the Environmental Appeals Board issues notice to the parties that review has been denied[.]” 40 C.F.R. § 124.19(f)(1)(i). The Board’s Order Denying Review shall not constitute such notice while the effective date of the decision remains stayed.

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing Order Granting Third Stay and Requesting Region 5 to File Status Report in *Environmental Disposal Systems, Inc.*, UIC Appeal No. 07-03, were sent to the following persons in the manner indicated:

**By Certified U.S. Mail,
Return Receipt Requested (and facsimile):**

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U.S. EPA
1200 Pennsylvania Ave., NW
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Date: JUN 25 2009



Arnette Duncan
Secretary