

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

In re:

Powertech (USA) Inc.

Permit No. SD31231-0000 and  
SD52173-0000

UIC Appeal No. 20-01

UNOPPOSED MOTION FOR EXTENSION OF TIME  
TO PROVIDE ADDITIONAL BRIEFING

Petitioner Oglala Sioux Tribe (“Petitioner” or “Tribe”) hereby respectfully requests that the Environmental Appeals Board (“EAB” or “Board”) grant a 14-day extension of time, up to and including July 28, 2023, for the parties to file additional briefing as directed in the Board’s June 30, 2023 Order Requiring Additional Briefing (“Order”). In accordance with 40 C.F.R. § 124.19(f)(2), counsel for Petitioner contacted counsel for the Region and counsel for Powertech and no party opposes this Motion.

In its Order, the Board directed the parties to submit additional briefing on four issues related to the Tribe’s previously filed Motion to Amend Petition for Review. The Board set a July 14, 2023 deadline for all parties to file the requested additional briefing with the Board. Petitioner seeks a two-week extension of this deadline, up to and including July 28, 2023, for all parties to submit the requested additional briefing due to significant pre-existing briefing obligations in other cases and intervening out of state family travel plans of counsel for the Tribe.

Specifically, both counsel for the Tribe have multiple significant briefing deadlines in federal and state courts over the next three weeks (Mr. Stills: July 7, July 21; Mr. Parsons: June 30,

July 7), along with scheduled personal travel (Mr. Parsons: family vacation July 7-18). These conflicts will render both counsel for the Tribe unable to devote sufficient time and resources to addressing the Board's Order. Given these conflicts, a deadline of July 28, 2023 is the minimum extension necessary for counsel for the Tribe to prepare the requested additional briefing and for obtaining input and approval from the client.

Based on the forgoing, and given the lack of opposition to this Motion, Petitioner asserts that good cause exists for this Board to grant an extension of time to until July 28, 2023 for the parties to provide the Board the additional briefing requested in the Board's June 30, 2023 Order.

Respectfully submitted this 3rd Day of July, 2023.

/s/ Jeffrey C. Parsons

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## CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing Unopposed Motion for Extension of Time were served, by email on the following persons, this 3rd day of July, 2023:

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