

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

In re: )  
)  
) NPDES Appeal No. 23-02  
)  
)  
)  
)  
)  
)  
)  
)

**JOINT NOTIFICATION OF AGREEMENT TO PARTICIPATE IN THE  
ALTERNATIVE DISPUTE RESOLUTION PROGRAM**

**and**

**JOINT MOTION REGARDING BRIEFING SCHEDULE**

On June 29, 2023, the Environmental Appeals Board (“Board”) invited petitioners Sierra Club and Conservation Law Foundation (“CLF”) and the Environmental Protection Agency (“EPA”) Region 1 to participate in the Board’s Alternative Dispute Resolution (“ADR”) program in the above-captioned proceeding. On July 7, 2023, GSP Schiller LLC (“GSP”) filed its Notice of Appearance in this proceeding. Counsel for Sierra Club and CLF, EPA Region 1, and GSP Schiller LLC, collectively the “Parties” to NPDES permit appeal No. 23-02, conferred regarding participation in the ADR program. The Parties have agreed to voluntarily participate in the ADR program and agreed to the following additional stipulations: (1) responses to the June 16, 2023, Petition for Review (“Petition”) shall not be filed prior to the commencement of the ADR program process; and (2) in the event the

parties are not successful in resolving the matter, the deadline for responding to the Petition shall be set 10 days after termination of the ADR program process.

Accordingly, the Parties respectfully request that the Board enter its customary stay order prior to the current response deadline (July 17, 2023) and that said order establish the new deadline for any response to the Petition as 10 days after the Board's termination of the ADR program process. This limited additional time to respond to the Petition—if needed—is justified under the circumstances and will not prejudice any party.

Therefore, consistent with the Board's June 29<sup>th</sup> letter, the Parties hereby submit a joint notification of interest in participating in the ADR program and respectfully request that the Board timely issue its stay order that also establishes the requested deadline for filing responses to the Petition.

Dated: July 12, 2023

Respectfully submitted,

/s/ Sarah Krame

Sarah Krame  
Sierra Club  
50 F St. NW, 8th Floor  
Washington, D.C. 20001  
(202) 548-4597  
Sarah.krame@sierraclub.org

*Counsel for Petitioners Sierra Club and CLF*

---

Michael Curley  
Office of Regional Counsel  
U.S. EPA, Region 1  
5 Post Office Square, Suite 100  
Mail code: 04-WI  
Boston, Massachusetts 02109  
Tel: (617) 918-1623  
Curley.Michael@epa.gov

*Counsel for EPA Region 1*

*/s/ Thomas G. DeLawrence*

---

P. Stephen Gidiere III  
Thomas G. DeLawrence  
Balch & Bingham LLP  
1901 6th Avenue North, Suite 1500  
Birmingham, Alabama 35203  
Telephone: (205) 251-8100  
sgidiere@balch.com  
tdelawrence@balch.com

*Counsel for Permit Applicant GSP Schiller  
LLC*

## CERTIFICATE OF SERVICE

I hereby certify that on the date indicated below a copy of the foregoing Joint Notification of Agreement to Participate in the ADR Program and Joint Motion Regarding Briefing Schedule, in connection with In re GSP Schiller LLC, NPDES Appeal No. 23-02, was sent to the following persons in the manner indicated:

By Electronic Filing:

Mr. Emilio Cortes  
Clerk of the Board  
U.S. Environmental Protection Agency  
Environmental Appeals Board  
1201 Constitution Avenue, NW  
U.S. EPA East Building, Room 3332  
Washington, DC 20004

Dated: July 12, 2023

---

Michael Curley  
Office of Regional Counsel  
U.S. EPA, Region 1  
5 Post Office Square, Suite 100  
Mail code: 04-WI  
Boston, Massachusetts 02109  
(617)-918-1623  
Curley.Michael@epa.gov