

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

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In re:	)	
	)	NPDES APPEAL No. 14-04
Lee Ranch Coal Company,	)	
El Segundo Mine	)	
	)	
NPDES Permit No. NM0030996	)	
_____	)	

**EPA REGION 6'S MOTION FOR STAY**

Respectfully, Region 6 of the United States Environmental Protection Agency ("EPA Region 6") files this Motion for Stay with regard to the above-captioned proceeding.

The EPA Environmental Appeals Board ("the Board") has ordered the Parties "to participate in an oral argument beginning at 1:30 p.m. Eastern Time on July 21, 2015, in the Administrative Courtroom, U.S. Environmental Protection Agency . . . ." Order Scheduling Oral Argument, filed June 24, 2015. Counsel at EPA headquarters has informed EPA Region 6 of the following reasons for why additional time is now needed by EPA: 1) to complete the consultation with EPA headquarters Office of Water and Office of General Counsel ordered by the Board; 2) for staff and management in EPA headquarters Office of General Counsel, who to date have not been involved in this matter, to come up to speed on the complicated facts of the case and ensure that any views presented to the Board reflect the well-considered views of EPA regarding what appear to be several matters of first impression; and 3) to further assess possible settlement between the Parties, with consultation from EPA headquarters Office of Water and Office of General Counsel.

Regarding the settlement, the Parties have previously stated to the Board that “[d]espite extensive discussions, the Parties have concluded that they have reached an impasse and are unable to informally resolve this matter.” Joint Third Status Report, filed April 15, 2015. Since that time, the Parties have reactivated settlement discussions and EPA Region 6 is optimistic that settlement may be reached.

#### REQUESTED RELIEF

EPA Region 6 maintains its requests for relief contained in its response to LRCC’s petition. For this motion, EPA Region 6 requests that the Board order a stay in this matter, including specifically a stay of the oral argument, for 44 days until the Region files a status report on August 28, 2015, and upon the filing of this status report, a stay until the Board decides how this matter should proceed.

The attorney for EPA Region 6 has contacted the attorney for LRCC and does not at this time know LRCC’s position on this motion.

Respectfully submitted this 15th day of July, 2015.

**UNITED STATES ENVIRONMENTAL  
PROTECTION AGENCY, REGION 6**



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/s/ David Gillespie  
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U.S. EPA

CERTIFICATE OF SERVICE

I hereby certify that on this 15th day of July, 2015, copies of the foregoing were served upon the following in the manner described.



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David Gillespie

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