



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

_____)
In re:)
) UIC Appeal No. 18-05
Muskegon Development Co.)
)
Permit No. MI-035-2R-0034)
_____)

**ORDER GRANTING MOTION FOR EXTENSION OF TIME TO FILE RESPONSE
BRIEF AND SETTING DEADLINE FOR FILING A SINGLE REPLY BRIEF**

On September 5, 2018, the Permittee in the above captioned matter, Muskegon Development Company (“Permittee”), filed an unopposed motion for extension of time to file a response brief in this matter (“Motion”). The Motion requests an extension of the deadline to file a response brief to October 22, 2018. In an August 28, 2018 order, the Board previously extended the Region’s deadline to file its responsive materials, *see* 40 C.F.R. § 124.19(b)(2), to October 15, 2018. Thus, Permittee’s Motion seeks a deadline for Permittee’s response that is seven days after the Region’s deadline. The Motion’s stated basis for requesting this staggered deadline is to give the Permittee the opportunity to review the Region’s response and then revise its response brief accordingly. The Board’s regulations envision that a permit applicant who did not file a petition but who wishes to participate in the appeal file its response to a petition by the same deadline as the permit issuer. 40 C.F.R. § 124.19(b)(3). The Board declines to create staggered deadlines for the response briefs in this matter as Permittee’s Motion seeks. Instead, the Board **GRANTS** the Motion and extends the deadline for the Region and Permittee to file their respective responsive materials, *see* 40 C.F.R. § 124.19(b)(2) & (3), to and including **October 22, 2018.**

The Board notes that any party may file and serve its response brief before the applicable deadline and parties who wish to coordinate their filings are free to exchange information as they deem appropriate.

To aid in the efficient briefing of this matter, the Board further **ORDERS** that Petitioner's optional reply brief, *see* 40 C.F.R. § 124.19(c)(2), is due on or before **November 9, 2018**. The Board further directs that Petitioner may file only one reply brief that replies to all response briefs filed in this matter.

So ordered.

Dated: September 6, 2018

ENVIRONMENTAL APPEALS BOARD

By:  _____

Aaron P. Avila

Environmental Appeals Judge

CERTIFICATE OF SERVICE

I hereby certify that copies of the forgoing **Order Granting Motion for Extension of Time to File Response Brief and Setting Deadline for Filing a Single Reply Brief** in the matter of *Muskegon Development Co.*, UIC Appeal No. 18-05, were sent to the following persons in the manner indicated:

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Dated: September 6, 2018



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