

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



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In re: )

Veolia ES Technical Solutions, L.L.C. )

Permit No. V-IL-1716300103-2014-10 )  
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CAA Appeal No. 17-02

**SECOND ORDER CONTINUING STAY OF PROCEEDINGS**

On May 25, 2017, the Environmental Appeals Board (“Board”) issued an order staying this case until November 22, 2017, to provide the parties (U.S. EPA Region 5 and Veolia ES Technical Solutions, L.L.C.) with enough time to complete the settlement process after having reached a settlement in principle. The Board’s order further directed the parties to file status reports on July 31, 2017, September 25, 2017, and November 13, 2017, informing the Board “as to the progress the parties have made, their plan and timeline for resolving any outstanding issues, and whether they believe that they will be able to complete the settlement process by November 22, 2017.” On July 31, 2017, the parties filed their first status report and based on their representations, the Board issued an order on August 3, 2017, continuing the stay. In that order, the Board further advised that upon receipt of the status report due on September 25, 2017, the Board would re-assess whether the stay continues to be appropriate.

The parties have now timely filed their second status report. In that report, the parties summarize the progress they have made since the first status report and provide a revised timeline for resolving outstanding issues. The parties represent that they have held multiple teleconferences to negotiate the terms of a settlement agreement and proposed permit revisions, that they have exchanged numerous drafts of a revised Permit and Settlement Agreement, and

that they believe they are very close to finalizing the settlement. The parties further represent that they expect EPA to file a contingent Settlement Agreement (which will include a draft revised Permit) with the Board by mid-October, and to then issue the Settlement Agreement for public comment pursuant to 42 U.S.C. § 7413(g) by late October. And if, after consideration of comments, EPA elects not to withdraw or withhold its consent to the Settlement Agreement, by late November, EPA would seek a voluntary remand of the permit at issue here, in order to issue a draft revised permit for public notice and comment pursuant to 40 C.F.R. part 71; and Veolia would seek dismissal of this Petition. The parties further represent that they “continue to believe that the settlement process can be completed before the Stay expires” on November 22, 2017.

Based on the parties’ representations, the Board concludes that this case should continue to be stayed until November 22, 2017. In light of the parties’ revised timeline, however, the Board directs the parties to submit a further status report by **October 23, 2017**, if EPA has not filed a contingent Settlement Agreement with the Board by that date. At that point, the Board will re-assess whether the stay continues to be appropriate.

So ordered.

ENVIRONMENTAL APPEALS BOARD

Dated: SEP 27 2017

By:   
Mary Beth Ward  
Environmental Appeals Judge

**CERTIFICATE OF SERVICE**

I certify that copies of the forgoing *Second Order Continuing Stay of Proceedings* in the matter of Veolia ES Technical Solutions, L.L.C., CAA Appeal No. 17-02, were sent to the following persons in the manner indicated:

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**SEP 27 2017**

Dated: \_\_\_\_\_



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Annette Duncan  
Administrative Specialist