

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 )  
\_\_\_\_\_ )

CAA Appeal No. 17-02

**FIFTH ORDER CONTINUING STAY OF PROCEEDINGS**

On November 16, 2017, the Environmental Appeals Board (“Board”) issued an order continuing the stay of proceedings in this case until January 31, 2018, to provide the parties, Veolia ES Technical Solutions, L.L.C., and EPA Region 5, with additional time to complete the settlement process, which included seeking public comment on the contingent settlement agreement reached by the parties. The parties represented that after the close of the comment period, EPA would consider comments received and determine whether to withdraw or withhold its consent to the contingent settlement agreement. The Board’s order directed the parties to file further status reports by no later than December 20, 2017, and January 17, 2018.

On December 20, 2017, the parties filed a joint status report and motion for a further stay. In the December 20 status report, the parties represent that EPA received three comments during the comment period on the contingent settlement agreement. The parties further represent that EPA is now considering the comments received and determining whether to withdraw or withhold its consent to the contingent settlement agreement that has been filed with the Board.

Based on the parties’ representations, the Board concludes that a stay of this case to **January 31, 2018**, continues to be appropriate. If a motion to dismiss has not yet been filed, the parties shall file the next status report no later than **January 17, 2018**. In the January 17 status

report, the parties shall advise the Board whether EPA anticipates being able to make a decision regarding the settlement agreement, and if appropriate, file a motion seeking voluntary remand and dismissal the Petition for Review, by the date the stay expires. To the extent that the parties seek a stay of proceedings beyond January 31, 2018, the parties must file a motion requesting a further stay no later than **January 17, 2018**. The motion must specify the length of, and explain the basis for, such a further stay.

So ordered.

ENVIRONMENTAL APPEALS BOARD

Dated: DEC 22 2017

By: Mary Beth Ward  
Mary Beth Ward  
Environmental Appeals Judge

**CERTIFICATE OF SERVICE**

I certify that copies of the foregoing *Fifth 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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Dated: DEC 22 2017



Eurika Durr  
Clerk of the Board