

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

In re:)	
)	
Veolia ES Technical Solutions, LLC)	CAA Appeal No. 19-01
Permit No. V-IL-1716300103-2014-10)	
)	
)	

**ORDER RETURNING MATTER TO THE REGULAR DOCKET, LIFTING STAY, AND
 ESTABLISHING A BRIEFING SCHEDULE**

On September 6, 2019, the Environmental Appeals Board (“Board”) stayed this matter until November 5, 2019, to allow the parties—American Bottom Conservancy, United States Environmental Protection Agency Region 5 (“Region 5”), and Veolia ES Technical Solutions, LLC (“Veolia”)—the opportunity to participate in the Board’s Alternative Dispute Resolution (“ADR”) program. The assigned Settlement Judge has informed the Board case panel that the Settlement Judge has determined that use of the Board’s ADR program would be inappropriate in this matter. In accord with the Board’s ADR program, the Board returns the matter to the regular docket and lifts the stay in this matter.

The Board further orders that briefing resume as follows:

1. Responses from Region 5 and from Veolia must be filed on or before November 18, 2019. Both Region 5 and Veolia must include as attachments all documents cited in their responses.
2. In addition to filing a response, Region 5 must file with the Board a certified index of the entire administrative record for the Veolia permit decision no later than the date upon which it files its response. However, Region 5 is encouraged to file the index to the

record, preferably electronically, as soon as feasible. Early filing of the certified index will enable the Board to begin prompt review of the administrative record and will facilitate Veolia's ability to cite to the record in its response.


3. To further assist the Board's resolution of this matter, American Bottom Conservancy may file a reply to any responses filed in opposition to its petition. Such replies must be filed on or before December 3, 2019.

The filing of all responses, replies, and motions in this matter shall take place in accordance with the Board's July 26, 2019 Order Granting Intervention, Establishing Briefing Schedule, and Specifying Filing Procedures.

So ordered.

ENVIRONMENTAL APPEALS BOARD

Dated: October 17, 2019

By: 

Aaron P. Avila
Environmental Appeals Judge

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing **ORDER RETURNING MATTER TO THE REGULAR DOCKET, LIFTING STAY, AND ESTABLISHING A BRIEFING SCHEDULE** in the matter of Veolia ES Technical Solutions, LLC, CAA Appeal No. 19-01, were sent to the following persons in the manner indicated:

By U.S. First Class Mail:

Elizabeth Hubertz
Interdisciplinary Environmental Clinic
Washington University School of Law
One Brookings Dr.
St. Louis, MO 63130
ejhubertz@wustl.edu

Joseph M. Kellmeyer
Thompson Coburn LLP
One US Bank Plaza
St. Louis, MO 63101
jkellmeyer@thompsoncoburn.com


By Pouch Mail:

Catherine Garypie
Office of Regional Counsel
US EPA, REGION 5
77 West Jackson Boulevard
Mail Code: C-14J
Chicago, IL 60604-3507
garypie.catherine@epa.gov

By Inter-office Mail:

John T. Krallman
Office of General Counsel
US EPA
Mail Code: 2344A
1200 Pennsylvania Ave. NW
Washington, DC 20460
krallman.john@epa.gov

Dated: **Oct 17 2019**



Annette Duncan
Administrative Specialist