



**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 GRANTING MOTION FOR EXTENSION OF TIME TO FILE RESPONSE

On July 17, 2019, the American Bottom Conservancy filed with the Environmental Appeals Board (“Board”) a petition challenging a permit issued by Region 5 of the U.S. Environmental Protection Agency (“Region 5”) to Veolia ES Technical Solutions, LLC (“Veolia”) under subchapter V of the Clean Air Act, 42 U.S.C. §§ 7661-7661f, and part 71 of title 40 of the Code of Federal Regulations. In a July 26, 2019 Order, the Board granted Veolia’s motion to intervene in this appeal and set an August 26, 2019 deadline for filing responses to the American Bottom Conservancy’s petition. Order Granting Intervention, Establishing Briefing Schedule, and Specifying Filing Procedures, at 2-3 (July 26, 2019).

On August 7, 2019, Veolia filed an Unopposed Motion for Extension of Time to File Response (“Motion”). The Motion requested a 30-day extension of time for Veolia to file its response to the petition, meaning Veolia’s deadline for filing its response would be September 25, 2019 (the Motion erroneously stated that a 30-day extension of time would mean Veolia’s deadline for filing a response would be September 24, 2019). Motion at 1-2. The Motion stated that Veolia’s counsel spoke with counsel for Region 5 who represented that Region 5 does not oppose the Motion (the Motion also stated that the American Bottom

Conservancy does not oppose the Motion). *Id.* at 2. In an August 9, 2019 Order, the Board requested that Region 5 file a notice with the Board stating: (1) whether EPA’s Office of General Counsel and Office of Air and Radiation concur in Region 5’s position on the Motion and (2) whether Region 5, after consultation with EPA’s Office of General Counsel and Office of Air and Radiation, requests that the Board extend the deadline for Region 5’s response by 30 days as well. Order Regarding Motion for Extension of Time to File Response, at 2 (Aug. 9, 2019).

Region 5 timely filed its notice on August 14, 2019. Notice Regarding Extension of Time (Aug. 14, 2019) (“Notice”). Region 5 represents that it “coordinated with the appropriate officials and does not oppose” Veolia’s Motion. Notice at 2. Region 5 also states that it does not request an extension of time for the filing of its response, though Region 5 may revisit the issue if the parties pursue alternative dispute resolution. *Id.*

Based on the representations in the Motion and Notice, the Board **GRANTS** the Motion. The revised briefing schedule is as follows:


- Region 5’s response to the petition and certified index are due on or before **August 26, 2019**;
- the American Bottom Conservancy’s reply to Region 5’s response is due on or before **September 10, 2019**;
- Veolia’s response to the petition is due on or before **September 25, 2019**; and

- the American Bottom Conservancy's reply to Veolia's response is due on or before **October 10, 2019.**

So ordered.

ENVIRONMENTAL APPEALS BOARD

Dated: August 16, 2019

By: 

Aaron P. Avila
Environmental Appeals Judge

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing **ORDER GRANTING MOTION FOR EXTENSION OF TIME TO FILE RESPONSE** 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 Interoffice 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: August 16, 2019



Annette Duncan
Administrative Specialist