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

In re:)

)

Veolia ES Technical Solutions, L.L.C.   )   CAA Appeal No. 17-02

)

Permit No. V-IL-1716300103-2014-10   )

)

FOURTH ORDER CONTINUING STAY OF PROCEEDINGS

On October 25, 2017, the Environmental Appeals Board ("Board") issued an order

continuing the stay of proceedings in this case until November 22, 2017, to provide the parties,

Veolia ES Technical Solutions, L.L.C., and EPA Region 5, with additional time to complete the

settlement process. The parties represented that they anticipated that EPA would issue the

parties' settlement agreement for public comment by early November to comply with 42 U.S.C.

§ 7413(g). And if, after consideration of comments, EPA elects not to withdraw or withhold its

consent to the settlement agreement, EPA would seek a voluntary remand of the permit at issue

here, to withdraw and reissue a draft revised permit for public notice and comment; and Veolia

would seek dismissal of this Petition. The Board's order further directed the parties to file a

status report by November 13, 2017, to provide information as to the progress the parties had

made in completing the settlement process, and any motion for a further extension of the stay at

that same time.

On November 13, 2017, the parties filed a joint status report and motion for further stay

of proceedings, with a copy of EPA's notice seeking public comment on the settlement

agreement, which was published in the Federal Register on November 15, 2017. *See* 82 Fed.

Reg. 52901. The parties state that after "the close of the 30-day comment period [on December

15, 2017], [EPA] will consider any comments received and determine whether to withdraw[,] or withhold consent [of,] the contingent settlement agreement that has been filed with the Board." The parties further state that they anticipate "that there may be substantial comments on the contingent settlement agreement," and request an extension of the stay until January 31, 2018, to fully consider the comments received. Joint Status Report & Motion for Further Stay at 1-2.

Based on the parties' representations, the Board extends the stay of proceedings until **January 31, 2018**. The parties shall file further status reports by no later than **December 20, 2017**, and **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 of this Petition, 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: ___NOV 1 6 2017___

By: _Mary Beth Ward_
Mary Beth Ward
Environmental Appeals Judge

CERTIFICATE OF SERVICE

I certify that copies of the foregoing *Fourth 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: _____NOV 1 6 2017_____

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Annette Duncan
Administrative Specialist