

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

)	
In re:)	
)	RCRA Appeal No. 19-01
Vickery Environmental, Inc.)	
)	
RCRA Permit No. OHD 020 273 819)	
)	

**ORDER GRANTING EXTENSION OF TIME TO FILE RESPONSE BRIEF
AND ESTABLISHING BRIEFING SCHEDULE**

On October 7, 2019, Vickery Environmental, Inc. (“Vickery”) petitioned the Environmental Appeals Board (“Board”) for review of a Resource Conservation and Recovery Act (“RCRA”) Permit that EPA Region 5 (“Region”) issued to Vickery on September 6, 2019. By motion on October 29, 2019, the Region and Vickery jointly request that the Board grant a 60-day extension of time for the Region to file its brief in response to the Petition for Review, the certified index to the administrative record and relevant portions of the record. The requested extension would move the Region’s response deadline from November 6, 2019, to January 7, 2020. The Region represents that it is consulting with EPA’s Office of General Counsel and the Office of Land and Emergency Management and that these offices concur with this motion.

In support of the motion, the Parties state that additional time is needed to allow for additional information exchange between the parties which will better allow the Region to provide an adequate response to Vickery’s petition and for potential resolution of the issues on appeal. The Region also represents that additional time is needed to ensure full consideration by Regional management and EPA Headquarters, including EPA’s Office of General Counsel.


Under the regulation governing permit appeals, the Environmental Appeals Board may, for good cause, grant extensions of time to the filing requirements prescribed by this regulation. 40 C.F.R. §124.19(n). The basis for the parties' request for an extension of time to file a response in this matter is reasonable and unopposed by Vickery (who is both the permittee and petitioner in this matter) and all EPA offices involved.

As such, and for good cause shown, the Board **GRANTS** an extension of time to the Region to file its response brief and relevant portions of the administrative record in RCRA Appeal No. 19-01. The Region's response brief, and the relevant portions of the administrative record must be filed on or before **January 7, 2020**. Pursuant to 40 C.F.R. § 124.18(c), the administrative record is complete on the date the final permit is issued. As such, the Region is not afforded a 60-day extension for the deadline to file the certified index to the administrative record. The Region must file the certified index to the administrative record no later than **November 19, 2019**. This will enable the Board to begin review of the administrative record. The deadline for filing any other response brief permitted under 40 C.F.R. § 124.19(b) is also extended to **January 7, 2020**. Reply briefs and amicus briefs, if any, must be filed no later than **January 22, 2020**.

So ordered.

Dated: November 1, 2019

ENVIRONMENTAL APPEALS BOARD

By: 

Mary Kay Lynch
Environmental Appeals Judge

CERTIFICATE OF SERVICE

I certify that copies of the foregoing *Order Granting Extension of Time to File Response Brief and Establishing Briefing Schedule* in the matter of In re Vickery Environmental, Inc., RCRA Appeal No. 19-01, were sent to the following persons by email:

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Dated: Nov 01 2019



Eurika Durr
Clerk of the Board