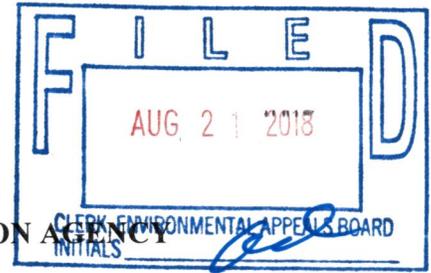


ENVIRONMENTAL APPEALS BOARD
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C.



In re:)

Excelsior Mining Arizona, Inc.)
Gunnison Copper Project)

UIC Permit No. R9UIC-AZ3-FY16-1)

UIC Appeal No.18-04

**ORDER CLARIFYING EXTENSION OF TIME FOR FILING ADMINISTRATIVE
RECORD MATERIALS**

On August 13, 2018, the Environmental Appeals Board granted an unopposed motion by the Environmental Protection Agency Region 9 and issued an order extending the deadline for the Region and the permittee Excelsior Mining Arizona, Inc. (“Excelsior”) to file response briefs until October 12, 2018, and extending the deadline for Petitioners¹ to file a reply brief until November 5, 2018. *In re Excelsior Mining Arizona, Inc.*, UIC Appeal No. 18-04 (EAB Aug. 13, 2018) (Order Granting Motion for Extension of Time to File Responses and Reply). The federal regulations that govern the appeal of an Underground Injection Control permit require the Region to file a certified index of the administrative record as well as relevant portions of the administrative record within thirty days after the filing of a petition. *See* 40 C.F.R. §§ 124.19(b)(2). The Region in its motion did not explicitly request an extension of time to file

¹ The five Petitioners in this appeal are Dragoon Conservation Alliance, Arizona Mining Reform Coalition, Grand Canyon Chapter of the Sierra Club, Center for Biological Diversity, and Patagonia Area Resource Alliance.

the certified index and relevant portions of the administrative record, and therefore the Board in its August 13, 2018 order did not address the issue.

At the request of the Region, the Board now clarifies that the Region's deadline for submitting a certified index for the administrative record and relevant portions of the administrative record is also extended until **October 12, 2018**. The Region has informed the Board that neither Excelsior nor the Petitioners oppose this extension of time.

So ordered.

ENVIRONMENTAL APPEALS BOARD

Dated: August 21, 2018

By: 
Kathie A. Stein
Environmental Appeals Judge

