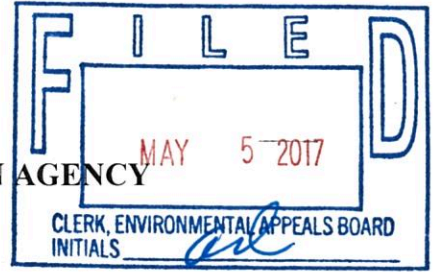


ENVIRONMENTAL APPEALS BOARD  
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C.



---

In re: )

Veolia ES Technical Solutions, L.L.C. )

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

---

CAA Appeal No. 17-02

**ORDER REMOVING MATTER FROM ADR PROGRAM AND DENYING THE  
AMERICAN BOTTOM CONSERVANCY'S REQUEST TO PARTICIPATE  
IN THE ADR AS MOOT**

On March 15, 2017, the Environmental Appeals Board (“Board”) stayed this matter until May 15, 2017, to allow Petitioner Veolia ES Technical Solutions, L.L.C. and U.S. EPA Region 5 the opportunity to participate in the Board’s Alternative Dispute Resolution (“ADR”) Program. In mid-April, the Settlement Judge for this ADR process informed the Board case panel that an initial status conference with the parties had not yet occurred.<sup>1</sup> The Settlement Judge has now informed the Board case panel that the parties are pursuing settlement outside of the Board’s ADR Program, that the parties have requested that the matter be removed from the Program, and that the Settlement Judge recommends the same.

Accordingly, the Board is removing this matter from the ADR Program and returning the matter to the Board’s regular docket. To the extent that the parties seek a further stay of

---

<sup>1</sup> The purpose of the initial status conference is to confirm that the parties wish to proceed with ADR, and to set an initial ADR meeting. See Environmental Appeals Board Alternative Dispute Resolution Program Information Sheet available at: [https://yosemite.epa.gov/oa/EAB\\_Web\\_Docket.nsf/8f612ee7fc725edd852570760071cb8e/381acd4d3ab4ca358525803c00499ab0/\\$FILE/Information%20Sheet.pdf](https://yosemite.epa.gov/oa/EAB_Web_Docket.nsf/8f612ee7fc725edd852570760071cb8e/381acd4d3ab4ca358525803c00499ab0/$FILE/Information%20Sheet.pdf).

proceedings beyond May 15, 2017, the parties must file a motion requesting a further stay of proceedings. The motion must specify the length of, and explain the basis for, such a further stay. Such motion must be filed no later than Friday, May 12, 2017.

Further, because the matter is no longer in the Board's ADR Program, the Board is denying American Bottom Conservancy's request to participate in the ADR as moot.

So ordered.<sup>2</sup>

ENVIRONMENTAL APPEALS BOARD

Dated:           **MAY - 5 2017**          

By:           *Mary Beth Ward*            
Mary Beth Ward  
Environmental Appeals Judge

---

<sup>2</sup> The three-member panel responsible for this order is composed of Environmental Appeals Judges Mary Kay Lynch, Kathie A. Stein, and Mary Beth Ward.

**CERTIFICATE OF SERVICE**

I certify that copies of the forgoing *Order Removing Matter from ADR Program and Denying the American Bottom Conservancy's Request to Participate in the ADR as Moot* 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:

**By First Class Mail:**

Joseph M. Kellmeyer  
Attorney for Veolia ES Technical Solutions, L.L.C.  
Thompson Coburn LLP  
One US Bank Plaza  
St. Louis, MO 63101

Elizabeth J. Hubertz  
Attorney for American Bottom Conservancy  
Assistant Director and Lecturer in Law  
Interdisciplinary Environmental Clinic  
Washington University School of Law  
Campus Box 1120  
St. Louis, MO 63130

**By EPA Pouch Mail:**

Catherine Garypie  
Gary Steinbauer  
Office of Regional Counsel  
U.S. Environmental Protection Agency, Region 5  
77 West Jackson Boulevard (C-14J)  
Chicago, IL 60604-3507

**By Interoffice Mail:**

John T. Krallman  
Office of General Counsel  
U.S. Environmental Protection Agency  
WJC North, MC 2344A  
1200 Pennsylvania, Ave., NW  
Washington, D.C. 20460

Dated:           **MAY - 5 2017**          

  
\_\_\_\_\_  
Annette Duncan  
Administrative Specialist