

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

THIRD ORDER CONTINUING STAY OF PROCEEDINGS

On September 27, 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 enough time to complete a settlement agreement (contingent on the 30-day notice and comment provision of 42 U.S.C. § 7413(g)) and a draft revised permit. The Board’s order directed the parties to file a status report by October 23, 2017, if EPA had not filed the contingent settlement agreement by that date.

On October 23, the parties filed a status report, and a copy of the contingent settlement agreement and revised draft permit. The parties represent that they anticipate EPA’s issuing the settlement agreement for public comment by early November pursuant to 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, in December, EPA would seek a voluntary remand of the permit at issue here, to withdraw and re-issue a revised permit for public notice and comment; and Veolia would seek dismissal of this Petition. The parties acknowledge that the settlement process will not be completed before the stay expires and represent that EPA intends “to promptly transmit notice of the contingent settlement agreement to the Office of the Federal Register for

publication,” and after publication the parties “will file a motion with the Board to extend the Stay.”

Based on the parties’ representations, the Board concludes that this case should continue to be stayed until **November 22, 2017**. The parties shall file a further status report by **November 13, 2017**, providing information as to the progress the parties have made in completing the settlement process. To the extent that the parties seek a stay of proceedings beyond November 22, 2017, the parties must file a motion requesting a further stay no later than **November 13, 2017**. The motion must specify the length of, and explain the basis for, such a further stay.

So ordered.

ENVIRONMENTAL APPEALS BOARD

Dated: **OCT 25 2017**

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

CERTIFICATE OF SERVICE

I certify that copies of the forgoing *Third 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: OCT 25 2017



Eurika Durr
Clerk of the Board

