



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 GRANTING MOTION FOR EXTENSION OF TIME
TO FILE RESPONSES AND REPLY

On August 10, 2018, the Environmental Appeals Board ("Board") received from U.S. Environmental Protection Agency Region 9 ("Region 9") an unopposed motion for an extension of time ("Motion") for Region 9 and the permittee, Excelsior Mining Arizona Inc. ("Excelsior"), to file their responses to the above-captioned petition ("Petition"), and for Dragoon Conservation Alliance, Arizona Mining Reform Coalition, Grand Canyon Chapter of the Sierra Club, Center for Biological Diversity, and Patagonia Area Resource Alliance (collectively "Petitioners"), to file their reply to Region 9's and Excelsior's responses to the Petition. The parties request that the Board extend the time for filing the response briefs to October 12, 2018, for Region 9 and Excelsior, and to November 5, 2018 for Petitioners to file a reply brief to the responses.

In support of the motion Region 9 represents that some of the issues raised in the Petition are outside of the UIC Program and require "careful coordination and deliberation with relevant EPA Headquarter offices." Region IX's Unopposed Motion for Extension of Time to File Responses and Replies at 2 (Aug. 10, 2018). Other issues, Region 9 adds, pertain to the evaluation of the permit's cumulative effect in comparison to another UIC permit issued by another EPA Region,

and will require coordination with staff from that Region. *See id.* Finally, Region 9 explains that summer vacation schedules have rendered “some key Region 9 staff unavailable, and with the relatively recent arrival of a new EPA Region 9 Regional Administrator on May 18, 2018, review and briefing of these matters will require additional time.” *Id.*

Upon consideration of Region 9’s unopposed motion, and for good cause shown, the Board determines that an extension of time to file the responses and the reply is warranted. *See* 40 C.F.R. § 124.19(n). Accordingly, the Board GRANTS Region 9’s motion to extend the time to file responses and the reply as proposed. Response briefs in this matter must be filed no later than **October 12, 2018**. The reply brief, if any, must be filed no later than **November 5, 2018**.

So ordered.

ENVIRONMENTAL APPEALS BOARD

Dated: **Aug 13 2018**

By: 
Kathie A. Stein
Environmental Appeals Judge

CERTIFICATE OF SERVICE

I certify that copies of the foregoing *Order Granting Motion for Extension of Time to File Response and Reply* in the matter of Excelsior Mining Arizona, Inc., UIC Appeal No. 18-04, were sent to the following persons in the manner indicated:

By Email:

Jeffrey C. Parsons
Senior Attorney
Western Mining Action Project
P.O. Box 349
Lyons, CO 80540
Email: wmap@igc.org
Counsel for Petitioner

Rich Campbell
Office of Regional Counsel
EPA Region 9 (MC ORC-2)
75 Hawthorne St.
San Francisco, CA 94105
Email: campbell.rich@epa.gov
Counsel for Region 9

Carla A. Consoli
Lewis Roca Rothgerber Christie LLP
201 East Washington Street, Suite 1200
Phoenix, AZ 85004-2595
Email: cconsoli@lrrc.com
Counsel for Excelsior Mining Arizona, Inc.

Leslie Darman
Water Law Office
EPA Office of General Counsel
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460
Email: darman.leslie@epa.gov
Of Counsel for EPA

Stephen A. Owens
Squire Patton Boggs LLP
1 E. Washington St., Suite 2700
Phoenix, Arizona 85004
Telephone: (602) 528-4000
Email: steve.owens@squirepb.com
Counsel for Excelsior Mining Arizona, Inc.

Dated: **Aug 13 2018**



Annette Duncan
Administrative Specialist