

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

In the Matter of:)	
)	
VEOLIA ES TECHNICAL)	
SOLUTIONS, L.L.C.)	
)	Appeal No.: CAA 17-02
Permittee)	
)	
Air Pollution Control Title V)	
Permit to Operate)	
Permit No. V-IL-1716300103-2014-10)	
Docket No. U.S.EPA-R05-OAR-2014-0280)	
)	

**JOINT STATUS REPORT & FILING OF CONTINGENT SETTLEMENT
AGREEMENT**

Petitioner Veolia ES Technical Solutions, L.L.C. (“Petitioner”) and Region 5 of the United States Environmental Protection Agency (“Region 5”) (collectively, the “Parties”), by and through their undersigned attorneys, respectfully provide the Environmental Appeals Board (“Board”), with this Joint Status Report & Filing of Contingent Settlement Agreement (“Joint Filing”), as required by the Board’s September 27, 2017, Second Order Continuing Stay of Proceedings. The Parties state the following:

1. Progress Made by the Parties: Since filing the July 31, 2017, Joint Status Report, the Parties have agreed to the terms of and signed a contingent Settlement Agreement. The Parties attach hereto the contingent Settlement Agreement signed by the Parties which includes an attached draft CAA Title V renewal permit.
2. Plan and timeline for resolving any outstanding issues. By the Parties signing of the Settlement Agreement and this Joint Filing, the Parties have already accomplished the

activities set forth in paragraphs 2(a) and 2(b) and expect to comply with the following timeline with regard to the other outstanding actions:

- a. Mid-October: Region 5 and Petitioner have signed the contingent Settlement Agreement (including an attached draft CAA Title V renewal permit).
 - b. Mid-October: EPA makes a filing which attaches contingent Settlement Agreement with the Board – settlement is contingent on a 30-day notice & comment provisions of 42 U.S.C. § 7413(g).
 - c. Late October/Early November: EPA issues the contingent Settlement Agreement attached hereto for a 30-day public notice & comment.
 - d. December: After an opportunity for notice and comment, the Administrator or his/her designee will consider any written comments in determining whether to withdraw or withhold consent to the Settlement Agreement, in accordance with 42 U.S.C. § 7413(g). If the Administrator or his/her designee elects not to withdraw or withhold consent to the Settlement Agreement, Region 5 will then request voluntary remand of the Permit from the Board and Petitioner will ask for the Petition to be dismissed.
 - e. December/January: Region 5 issues a draft CAA Title V renewal permit, followed by public notice and comment, and the issuance of a final renewal CAA Title V permit.
3. Completion of the settlement process by November 22, 2017. At this time, the Parties acknowledge that the settlement process cannot be completed before the Stay expires on November 22, 2017. However, EPA is intending to promptly transmit notice of the contingent Settlement Agreement to the Office of the Federal Register for publication

under 2.c above. Once this public notice is published in the Federal Register, the Parties will file a motion with the Board to extend the Stay to provide time for the completion of the public notice period and sufficient time for the Administrator or his/her designee to consider any written comments and decide whether to withdraw or withhold consent to the Settlement Agreement.

<p>Respectfully Submitted,</p> <p><u>/s/ Catherine Garypie</u> Catherine Garypie Office of Regional Counsel, Region 5 U.S. Environmental Protection Agency 77 W. Jackson Blvd. (C-14J) Chicago, IL 60604 312-886-5825 Garypie.catherine@epa.gov</p> <p><u>/s/ John T. Krallman</u> John T. Krallman Office of General Counsel U.S. Environmental Protection Agency WJC North, MC 2344A 1200 Pennsylvania Ave., N.W. Washington, D.C. 20460 202-564-0904 Krallman.john@epa.gov</p> <p><i>Attorneys for the U.S. Environmental Protection Agency</i></p>	<p>Respectfully Submitted,</p> <p><u>/s/ Joseph M. Kellmeyer</u> Joseph M. Kellmeyer Ryan R. Kemper Sara L. Chamberlain Benjamin S. Harner Thompson Coburn LLP One US Bank Plaza St. Louis, Missouri 63101 314-552-6000 FAX 314-552-7000 jkellmeyer@thompsoncoburn.com rkemper@thompsoncoburn.com schamberlain@thompsoncoburn.com bharner@thompsoncoburn.com</p> <p><i>Attorneys for Permittee Veolia ES Technical Solutions, L.L.C.</i></p>
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CERTIFICATE OF SERVICE

I hereby certify, pursuant to the Rules of the Environmental Appeals Board of the U.S. Environmental Protection Agency, that on **October 23, 2017**, the foregoing was filed electronically with the Clerk of the Environmental Appeals Board using the EAB eFiling System, as authorized in the August 12, 2013, Standing Order titled Revised Order Authorizing Electronic Filing Procedures Before The Environmental Appeals Board Not Governed By 40 C.F.R. Part 22. The foregoing is also being served via U.S. Mail in hard copy paper form on the following:

Clerk of the Board
U.S. Environmental Protection Agency
Environmental Appeals Board
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Mail Code 1103M
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/s/ John T. Krallman
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