

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

In the matter of:	)	
	)	
	)	
VEOLIA ES TECHNICAL	)	Appeal No. CAA 19-01
SOLUTIONS, LLC	)	
	)	
	)	
Permit No. V-IL-1716300103-2014-10	)	
Docket No. EPA-R05-OAR-2014-0280	)	

**UNOPPOSED MOTION FOR EXTENSION OF TIME  
TO FILE RESPONSE**

Permittee Veolia ES Technical Solutions, L.L.C. (“Veolia”), by and through its undersigned counsel, respectfully requests that the Environmental Appeals Board (“EAB”) grant Veolia’s Unopposed Motion for Extension of Time to File Response (“Unopposed Motion”). Veolia requests a thirty-day extension to September 24, 2019 for Veolia to file its response to the American Bottom Conservancy’s (“ABC”) Petition for Review (“Petition”). In support of the Unopposed Motion, Veolia states the following:

1. On July 26, 2019, the EAB entered its Order Granting Intervention, Establishing Briefing Schedule, and Specifying Filing Procedures. The order permits Veolia to file a response to the Petition and sets a deadline of August 26, 2019 for Veolia and Region 5 to file their responses, consistent with the default timeframes provided at 40 C.F.R. § 71.11(*l*) (governing Title V permit appeals) and § 124.19(b)(2)-(3) (governing “all other permit appeals” other than PSD and NSR).

2. The EAB may, upon a showing of good cause, modify filing deadlines in permit appeal proceedings. *See* 40 C.F.R. § 124.19(n).

3. The complexity of the voluminous administrative record for Veolia's permit, in conjunction with the technical issues raised by ABC's Petition, constitute good cause for the extension requested in the Unopposed Motion. The Petition raises factual and legal issues, for example, which date back to at least early 2013. ABC Petition for Review, 8 (July 22, 2019) ("[t]he contested issues first arose in January 2013 when Region 5 issued a draft Significant Modification, adding a multi-metals monitoring condition and an enhanced FAP to Veolia's 2008 Title V permit"). The timeframe between 2013 and Region 5's June 17, 2019 issuance of the permit challenged in this appeal encompasses multiple permit iterations; a separate permit appeal of one of those iterations and the resulting settlement between Veolia and Region 5 (*see In re Veolia ES Technical Solutions, L.L.C.*, CAA Appeal No. 17-02 (EAB April 3, 2018) (Order Granting Unopposed Motion for Voluntary Remand and Dismissing Petition for Review)); along with the public comment periods associated with each of those events.

4. A thirty-day extension for Veolia to file its response would provide sufficient time for Veolia to fully review the administrative record and sufficiently brief the issues in this appeal.

5. On August 1, 2019, the undersigned counsel for Veolia spoke with counsel for Region 5, Catherine Garypie, who represented that Region 5 does not oppose this motion for extension. On August 7, 2019, counsel for ABC, Elizabeth Hubertz, also represented to Veolia's counsel that ABC does not oppose the motion.

WHEREFORE, Veolia respectfully requests that the EAB grant Veolia's Unopposed Motion and enter an order extending the filing deadline to September 24, 2019 for Veolia to respond to ABC's Petition for Review.

Respectfully Submitted,

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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 August 7, 2019, 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 on the following:

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