

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

In the Matter of:)	
)	
Vickery Environmental, Inc.)	
Vickery, Ohio)	
)	Appeal No.: RCRA 19-01
Permittee)	
)	
Final RCRA Permit)	
Docket No. OHD 020 273 819)	
)	

JOINT MOTION FOR EXTENSION OF TIME

The United States Environmental Protection Agency Region 5 (EPA) And Vickery Environmental, Inc. (“the Parties”) jointly request that the Environmental Appeals Board (“EAB”) grant a 60-day extension of time in the above-captioned matter for EPA to file its response brief to the Petition for Review (Petition), filed on behalf of Vickery Environmental, Inc. (Vickery, Petitioner), a certified index administrative record and relevant portions of the record. This extension request would move the due date from November 6, 2019, to January 7, 2020.

BACKGROUND

1. On September 12, 2014, Vickery applied for a hazardous waste management permit under the Resource Conservation and Recovery Act (RCRA). On October 5, 2018, EPA issued a draft RCRA permit to Vickery and provided an opportunity for 45 days of public comment. EPA responded to the public comments and issued the final RCRA permit on September 6, 2019.
2. The effective and expiration dates of the EPA’s RCRA permit are October 10, 2019 and October 10, 2029, respectively.
3. On October 7, 2019, Petitioner timely filed with the EAB a Petition of the final hazardous waste permit issued to Petitioner under RCRA. This Petition was assigned Appeal No. RCRA 19-01.
4. On October 23, 2019, EPA Region 5 issued to the EAB, the Applicant, and interested parties a

Notification concerning the Appeal of the Federal RCRA Permit for Vickery, Docket Number OHD 020 273 819. This letter notified the EAB, the Applicant, and interested parties of the contested permit conditions, and that such permit conditions will be stayed and be subject to judicial review pending final agency action in accordance with 40 C.F.R. § 124.16.

5. Pursuant to 40 C.F.R. § 124.19(b)(2), "the Regional Administrator must file a response to the Petition, a certified index of the administrative record, and the relevant portions of the administrative record within 30 days after the filing of the petition." Therefore, the Region's response brief and a certified index of the administrative record, and the relevant portions of the administrative record are currently due on November 6, 2019.

GROUNDS FOR JOINT MOTION

As grounds for the joint motion, the Parties state the following:

6. The Parties agree that additional information exchange between EPA and Vickery concerning the configuration and operation of units subject to appeal will better allow for EPA to provide an adequate response to Vickery's Petition and ensure that complete information is used for consideration and potential resolution of issues relating to appealed provisions of the permit. This information exchange will further ensure that only genuine issues of dispute are submitted to the EAB for adjudication.

7. Issues raised in the Petition require full consideration by Regional management as well as consultation with EPA Headquarters, including EPA's Office of General Counsel (OGC). EPA Region 5 represents that it is currently consulting with EPA's Office of General Counsel and the Office of Land and Emergency Management, and those offices concur with this Motion.

Accordingly, the Parties respectfully request that the EAB grant an extension of time to file the EPA's response brief, the certified index of the administrative record, and the relevant portions of the administrative record, for 60 days, to January 7, 2020.

JOINT MOTION FOR EXTENSION OF TIME In the Matter of Vickery Environmental, Inc., Appeal No.: RCRA 19-01, Docket No. OHD 020 273 819

Respectfully Submitted,

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