

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

In re:)	
)	
Veolia ES Technical Solutions, L.L.C.)	CAA Appeal No. 19-01
)	
Permit No. V-IL-1716300103-2014-10)	
)	
)	

**ORDER VACATING ORAL ARGUMENT SCHEDULED FOR APRIL 1, 2020, AND
 NOTIFYING THE PARTIES OF ELECTRONIC SERVICE**

In light of the current guidance received from the federal government related to COVID-19, the Environmental Appeals Board (“Board”) vacates its order scheduling this matter for oral argument in the EPA Administrative Courtroom in Washington, D.C. on April 1, 2020. *See* Order Rescheduling Oral Argument for April 1, 2020 (Jan. 22, 2020). The Board is exploring a range of options other than holding the previously scheduled argument in the EPA Administrative Courtroom, including but not limited to whether a telephonic argument can be held. The Board will issue a subsequent order providing further direction to the parties concerning oral argument; oral argument will not be held on April 1, 2020.

The Board is serving this Order by e-mail (Clerk_EAB@epa.gov). This appeal is governed by 40 C.F.R. § 71.11(l), which does not expressly address service by the Board. On issues as to which section 71.11(l) is silent, the Board’s practice has been to look to the EPA permitting regulations at 40 C.F.R. § 124.19, which do provide for electronic service of Board orders. *See In re Peabody W. Coal Co.*, 15 E.A.D. 757, 767 n.11 (EAB 2013) (noting that the Board applies cases construing part 124 permit appeals as precedent for part 71 cases); *In re Peabody W. Coal Co.*, 14 E.A.D. 712, 718-21 (EAB 2010); *see also* Federal Operating Permits

Program, 61 Fed. Reg. 34,202, 34,225 (July 1, 1996) (explaining that administrative review procedures in 40 C.F.R. § 71.11 are “based closely on the provisions of 40 CFR part 124”). Accordingly, consistent with 40 C.F.R. § 124.19(i)(3)(iii), we adopt the practice of serving the parties by e-mail at the addresses listed on the attached Certificate of Service.

The parties should continue to use the Board’s electronic filing system for filing all documents in this appeal.

So ordered.

ENVIRONMENTAL APPEALS BOARD

Dated: March 18, 2020

By: 

Aaron P. Avila
Environmental Appeals Judge

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing **ORDER VACATING ORAL ARGUMENT SCHEDULED FOR APRIL 1, 2020, AND NOTIFYING THE PARTIES OF ELECTRONIC SERVICE** in the matter of Veolia ES Technical Solutions, L.L.C., CAA Appeal No. 19-01, were sent to the following persons electronically at the email addresses listed:

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Dated: March 18, 2020



Eurika Durr
Clerk of the Board