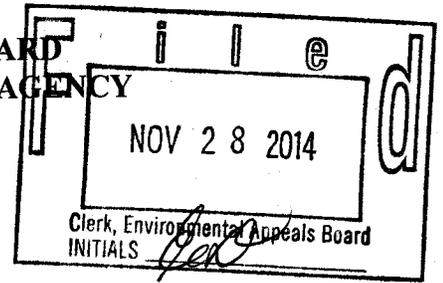


BEFORE THE ENVIRONMENTAL APPEALS BOARD  
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C.



In re: )  
)  
)  
Lee Ranch Coal Company )  
(El Segundo Mine) )  
)  
)  
NPDES Permit No. NM0030996 )  
)

NPDES Appeal No. 14-04

**ORDER GRANTING JOINT MOTION TO STAY PROCEEDINGS**

On September 30, 2014, United States Environmental Protection Agency, Region 6 (“Region”) reissued National Pollutant Discharge Elimination System (“NPDES”) Permit No. NM0030996 (“Permit”) to the Lee Ranch Coal Company (“LRCC”), pursuant to section 402 of the Clean Water Act, 33 U.S.C. § 1342. The Permit authorizes discharges from specified point sources at the El Segundo Mine into the Kim-me-ni-oli Valley Tributary in New Mexico. LRRC filed a petition for review (“Petition”) of the Permit on November 3, 2014, pursuant to 40 C.F.R. § 124.19(a). In its Petition, LRRC challenges two newly imposed permit conditions: (1) a total dissolved solids effluent limit of 2,000 lbs/day and (2) a requirement to submit a Sediment Control Plan within six months of the Permit’s issuance. Petition at 1, 4, 13.

By joint motion, the parties have requested a stay of the proceedings until February 27, 2015, to allow the parties to undertake settlement negotiations. Stipulation and Joint Motion to Stay Proceedings at 1. The parties indicate that they believe they may be able to resolve both issues LRRC raises in its appeal. *Id.* at 1-2. The parties aver that this extension is reasonable and necessary given the need to schedule and hold meaningful settlement discussions over the

upcoming traditional holiday season. *Id.* at 2. The parties also note that a stay of the proceedings would conserve administrative and judicial resources, would promote judicial efficiency and economy, and promises to lead to an earlier resolution of the dispute. *Id.* The parties propose to file joint status reports with the Board on January 30, 2015, and February 27, 2015. *Id.*

For the reasons articulated above, the parties' motion is GRANTED. Accordingly, the above-captioned matter is hereby STAYED until February 27, 2015. The parties are ordered to file joint status reports with the Board on or before January 30, 2015, and on or before February 27, 2015, informing the Board of the status of the permit negotiations. In their February 27, 2015 report, the parties shall also include a discussion of whether it is appropriate to continue the stay, dismiss the petition, or establish a schedule for the Region to file a response to the petition, a certified index of the administrative record, and the relevant portions of the administrative record.

So ordered.

Dated:

November 18, 2014

ENVIRONMENTAL APPEALS BOARD

By:



Kathie A. Stein  
Environmental Appeals Judge

**CERTIFICATE OF SERVICE**

I hereby certify that copies of the foregoing Order Granting Joint Motion to Stay Proceedings in the matter of Lee Ranch Coal Co., NPDES Appeal No. 14-04, were sent to the following persons in the manner indicated:

**By Pouch Mail:**

David Gillespie  
Assistant Regional Counsel  
U.S. EPA Region 6  
1445 Ross Avenue, Suite 1200  
Dallas, TX 75202

**By First Class Mail:**

Craig A. Moyer  
Peter R. Duchesneau  
Manatt, Phelps & Phillips, LLP  
11355 West Olympic Boulevard  
Los Angeles, CA 90064

Dated: 11/28/2014

  
Eurika Durr  
Clerk of the Board