

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

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| In re: |) | |
| |) | |
| Powertech (USA) Inc. |) | UIC Appeal No. 20-01 |
| |) | |
| Permit Nos. SD31231-00000 & SD52173- |) | |
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ORDER GRANTING MOTION FOR EXTENSION OF TIME

On December 24, 2020, the Oglala Sioux Tribe (“Petitioner”) filed a petition for review of two Underground Injection Control (“UIC”) permits, a Class III Area Permit (Permit No. SD31231-00000) and a Class V Area Permit (Permit No. SD52173-00000) issued by U.S. Environmental Protection Agency, Region 8 (“Region”). On January 12, 2021, U.S. the Region filed a motion for a 30-day extension of time to file its response to the petition for review, along with a certified index and relevant portions of the administrative record. The Region’s response is currently due on or before January 25, 2021.

In support of its request, the Region explains that EPA will have new decisionmakers beginning on January 20, 2021, “who will need to be briefed about this action before the filing of the response,” and that because “the underlying permitting process took over seven years[,] garnered thousands of comments, and the Petition for Review raises issues under several federal statutes involving several offices within the Agency” an extension of time is necessary to ensure that internal coordination takes place. The Region represents that neither the Petitioner nor the Permittee oppose the Region’s request for extension of time.


Based on the Region's representations the Environmental Appeals Board ("Board") hereby grants the Region's motion for an extension of time to file its response to the petition for review. *See* 40 C.F.R. § 124.19(o). The Region's response, along with a certified index and relevant portions of the administrative record, must be filed on or before Wednesday, February 24, 2021. The same deadline applies to Permittee should it chooses to file a response to the petition. *Id.* § 124.19(b)(3). If Petitioner chooses to file a reply brief, the reply brief must be filed on or before Thursday, March 11, 2021. *Id.* § 124.19(c)(2).

Pursuant to 40 C.F.R. section 124.19(i)(3)(iii), the Board is serving this Order by e-mail (Clerk_EAB@epa.gov) at the addresses provided by the parties which are listed on the attached Certificate of Service. Parties shall promptly file a notice in this matter informing the Board and the other parties if their e-mail address changes. The parties should continue to use the Board's electronic filing system for filing all documents in this appeal. The Board has authorized all parties in permit appeals to utilize email to fulfill their service obligations under 40 C.F.R. section 124.19(i)(3)(ii). *Env'tl Appeals Bd., U.S. EPA, Revised Order Authorizing Electronic Service of Documents in Permit and Enforcement Appeals* (Sept. 21, 2020).

So ordered.

Dated: Jan 13, 2021

ENVIRONMENTAL APPEALS BOARD

By: 
Mary Kay Lynch
Environmental Appeals Judge

CERTIFICATE OF SERVICE

I certify that copies of the foregoing *Order Granting Motion for Extension of Time* in the matter of Powertech (USA) Inc., UIC Appeal No. 20-01, were sent to the following persons in the manner indicated.

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Dated: Jan 13, 2021



Eurika Durr
Clerk of the Board