

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

)	
In re:)	
)	RCRA Appeal No. 19-01
Vickery Environmental, Inc.)	
)	
RCRA Permit No. OHD 020 273 819)	
)	

ORDER GRANTING SECOND MOTION FOR EXTENSION OF TIME

On October 7, 2019, Vickery Environmental, Inc. (“Vickery”) petitioned the Environmental Appeals Board (“Board”) for review of a Resource Conservation and Recovery Act (“RCRA”) Permit that EPA Region 5 (“Region”) issued to Vickery on September 6, 2019. On November 1, 2019, the Board granted a joint motion by the Region and Vickery for a 60-day extension of time for the Region to file its brief in response to the Petition for Review. Currently, the Region’s response is due on January 7, 2020, and reply briefs and amicus briefs, if any, are due no later than January 22, 2020. By motion on December 23, 2019, the Region and Vickery jointly request that the Board grant an additional 60-day extension of time for the Region to file its response and relevant portions of the admin record. The requested extension would move the Region’s response deadline from January 7, 2020, to March 9, 2020. The Region represents that it is consulting with EPA’s Office of General Counsel and the Office of Land and Emergency Management and that these offices concur with this motion.

In support of the motion, the parties state that additional time is needed to allow for additional information exchange between the parties, which will better allow the Region to provide an adequate response to Vickery’s petition and for potential resolution of the issues on

appeal. The Region also represents that additional time is needed to ensure full consideration by Regional management and EPA Headquarters, including EPA's Office of General Counsel.

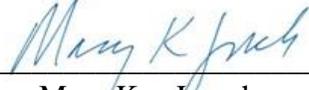
Under the regulation governing permit appeals, the Environmental Appeals Board may, for good cause, grant extensions of time to the filing requirements prescribed by this regulation. 40 C.F.R. §124.19(n). The basis for the parties' request for a second extension of time for the Region to file a response in this matter is reasonable and unopposed by Vickery (who is both the permittee and petitioner in this matter) and all EPA offices involved.

As such, and for good cause shown, the Board **GRANTS** an extension of time to the Region to file its response brief and relevant portions of the administrative record in RCRA Appeal No. 19-01. The Region's response brief and the relevant portions of the administrative record must be filed on or before **Monday, March 9, 2020**. The deadline for filing any other response brief permitted under 40 C.F.R. § 124.19(b) is also extended to **March 9, 2020**. Reply briefs and amicus briefs, if any, must be filed no later than **Tuesday, March 24, 2020**.

So ordered.

Dated: December 27, 2019

ENVIRONMENTAL APPEALS BOARD

By: 

Mary Kay Lynch
Environmental Appeals Judge

CERTIFICATE OF SERVICE

I certify that copies of the foregoing *Order Granting Second Motion for Extension of Time* in the matter of Vickery Environmental, Inc., RCRA Appeal No. 19-01, were sent to the following persons in the manner indicated:

By Email:

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Dated: **Dec 27 2019**



Eurika Durr
Clerk of the Board