



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

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

ORDER REGARDING MOTION FOR EXTENSION OF TIME TO FILE RESPONSE

On July 17, 2019, the American Bottom Conservancy filed with the Environmental Appeals Board (“Board”) a petition challenging a permit issued by Region 5 of the U.S. Environmental Protection Agency (“Region 5”) to Veolia ES Technical Solutions, LLC (“Veolia”) under subchapter V of the Clean Air Act, 42 U.S.C. §§ 7661-7661f, and part 71 of title 40 of the Code of Federal Regulations. In a July 26, 2019 Order, the Board granted Veolia’s motion to intervene in this appeal and set an August 26, 2019 deadline for filing responses to the American Bottom Conservancy’s petition. Order Granting Intervention, Establishing Briefing Schedule, and Specifying Filing Procedures, at 2-3 (July 26, 2019) (“Order Granting Intervention”).

On August 7, 2019, Veolia filed an Unopposed Motion for Extension of Time to File Response (“Motion”). The Motion requests a 30-day extension of time for Veolia to file its response to the petition, meaning Veolia’s deadline for filing its response would be September 25, 2019 (the Motion erroneously says that a 30-day extension of time would mean Veolia’s deadline for filing a response would be September 24, 2019). Motion at 1-2. The Motion states that Veolia’s counsel spoke with counsel for Region 5 who represented that

Region 5 does not oppose the Motion and that counsel for the American Bottom Conservancy represented that the American Bottom Conservancy does not oppose the Motion. *Id.*

The Motion does not indicate whether counsel for Region 5 consulted with EPA's Office of General Counsel or EPA's Office of Air and Radiation. *See* Procedures for Coordination OE-OGC-Regions Environmental Appeals Board (Jan. 25, 1993). The Board therefore requests that Region 5 file a notice with the Board stating: (1) whether EPA's Office of General Counsel and Office of Air and Radiation concur in Region 5's position on the Motion and (2) whether Region 5, after consultation with EPA's Office of General Counsel and Office of Air and Radiation, requests that the Board extend the deadline for Region 5's response by 30 days as well. Region 5's notice must be filed on or before **Wednesday, August 14, 2019**.

Regardless of the ultimate deadline for the filing of responses in this matter, the Board takes this opportunity to reiterate that Region 5 must file a certified index of the entire administrative record for the Veolia permit decision no later than the date upon which it files its response, but Region 5 is encouraged to file the index to the record, preferably electronically, as soon as possible. *See* Order Granting Intervention at 3. Early filing of the certified index enables the Board to begin prompt review of the record even before all briefs are filed and facilitates Veolia's ability to cite to the administrative record in its response. *See id.*

So ordered.

ENVIRONMENTAL APPEALS BOARD

Dated: August 9, 2019

By:  _____

Aaron P. Avila
Environmental Appeals Judge

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing **ORDER REGARDING MOTION FOR EXTENSION OF TIME TO FILE RESPONSE** in the matter of Veolia ES Technical Solutions, LLC, CAA Appeal No. 19-01, were sent to the following persons in the manner indicated:

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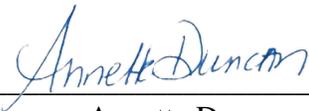
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Dated: August 9, 2019



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