

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

In the Matter of:	)	
	)	
VEOLIA ES TECHNICAL	)	
SOLUTIONS, L.L.C.	)	
	)	Appeal No.: CAA 19-01
Permittee	)	
	)	
Air Pollution Control Title V	)	
Permit to Operate	)	
Docket No. V-IL-1716300103-2014-10	)	
	)	

**MOTION TO HOLD BRIEFING SCHEDULE IN ABEYANCE**

On July 17, 2019, the American Bottom Conservancy (“ABC”) 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 Title 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 ABC’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 (“Veolia Motion”). On August 16, 2019, the Board issued an Order Granting Motion for Extension of Time to File a Response (“Order Regarding Extension”). In the Order Regarding Extension, the Board granted the Veolia Motion and extended the due date for Veolia’s response to the ABC petition to September 25, 2019. The Board also noted that the Region 5 response to the ABC petition and

certified index are due on or before August 26, 2019. Further, the ABC reply to the Region 5 response is due on or before September 25, 2019.

On August 21, 2019, Region 5, ABC and Veolia (the “Parties”) informed the Clerk of the Board that the Parties wish to attempt mediation of this matter through the Board’s Alternative Dispute Resolution (“ADR”) program. Region 5 hereby requests that the Board assign a neutral mediator to this matter and hold the due dates for all briefing, including the provision of a certified index, in abeyance until: (1) the Parties notify the Board that a settlement of this matter has been reached through the Board’s ADR program or (2) the Parties notify the Board that they are unable to reach a settlement of this matter through the Board’s ADR program. Region 5 has coordinated with the appropriate offices within EPA on this matter. In addition, Region 5 has consulted with counsel for ABC and Veolia and neither party opposes this motion.

Respectfully Submitted,

/s/ Catherine Garypie

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*Attorneys for the U.S. Environmental Protection Agency*

## CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing Motion to Hold Briefing Schedule in Abeyance in the matter of Veolia ES Technical Solutions, LLC, CAA Appeal No. 19-01, were sent to the following persons in the manner indicated:

By U.S. First Class Mail:

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Dated: August 21, 2019

/s/ Brittani Anderson  
Brittani Anderson  
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