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

In re:

Powertech (USA) Inc.

Permit Nos. SD31231-00000 and SD52173-00000

UIC Appeal No. 25-01

UNOPPOSED MOTION FOR EXTENSION OF TIME TO FILE REPLY

Pursuant to 40 CFR § 124.19(f) and (g), Petitioners Oglala Sioux Tribe, Black Hills Clean Water Alliance, and NDN Collective respectfully request that the Environmental Appeals Board ("EAB" or "Board") grant a 15-day extension of time, up to and including June 12, 2025, to file any replies to the Responses to the Petition for Review filed by EPA Region 8 and Applicant Powertech (USA) Inc. in the above-captioned matter.

Consistent with 40 C.F.R. § 124.19(f)(2), Petitioners contacted counsel for EPA Region 8 and Applicant Powertech (USA) Inc. regarding this Motion, and no party opposes this Motion.

EPA Region 8 filed its Response to the Petition for Review on May 9, 2025. Applicant Powertech (USA) Inc. filed its Response to the Petition for Review on May 12, 2025. Pursuant to 40 CFR § 124.19(c)(2), any reply to each Response is due within 15 days of the service of the Response.

Good cause exists for the requested extension of time. Each Response exceeds 40 pages in length and will require a commensurate amount of time to effectively review and develop arguments on reply. Further, counsel for Petitioners have significant other briefing and other professional and personal obligations, including out of state travel, in the next two weeks that will substantially limit counsels' ability to draft any reply.

1

Based on the foregoing, Petitioners respectfully request that the Board grant an extension of an additional fifteen (15) days, up to and including June 12, 2025 for Petitioners to file any reply in this matter.

> <u>/s/ Jeffrey C. Parsons</u> Jeffrey C. Parsons Senior Attorney Roger Flynn Managing Attorney Western Mining Action Project P.O. Box 349 Lyons, CO 80540 Tel: (303) 823-5738 Fax: (303) 823-5732

Travis E. Stills Managing Attorney Energy & Conservation Law 1911 Main Ave, Ste 238 Durango, CO 81301 (970) 375-9231 stills@frontier.net

Email: jeff@wmaplaw.org

Date: May 14, 2025

Attorneys for Petitioners Oglala Sioux Tribe, Black Hills Clean Water Alliance, NDN Collective

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing Unopposed Motion for Extension of Time to File Reply, was served, by email in accordance with the Environmental Appeals Board's September 21, 2020 Revised Order Authorizing Electronic Service of Documents in Permit and Enforcement Appeals, on the following persons, this 14th Day of May, 2025:

Attorneys for EPA Region 8:

Lucita Chin Senior Assistant Regional Counsel EPA Region 8 595 Wynkoop St. Mail Code: 8ORC-LC-M Denver, CO 80202 chin.lucita@epa.gov

Michael Boydston Office of Regional Counsel EPA Region 8 1595 Wynkoop St. Mail Code: 80RC-LC-G Denver, CO 80202 (303) 312-7103 boydston.michael@epa.gov

Katie Spidalieri, Attorney-Advisor Water Law Office, Office of General Counsel U.S. Environmental Protection Agency (202) 564-4138 spidalieri.katie@epa.gov

Attorneys for Powertech (USA) Inc.:

Jason Hill Holland & Knight LLP 811 Main Street, Suite 2500 Houston, Texas 77002 Phone 713.244.8224 Mobile 713.203.4445 jason.hill@hklaw.com

Robert F. Van Voorhees Robert F Van Voorhees PLLC 155 F Street, N.W. Suite 700 Washington, DC 20004-1357 (202) 365-3277 bob.vanvoorhees@gmail.com

/s/ Jeffrey C. Parsons