

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 & SD52173-00000)	
)	

**ORDER GRANTING POWERTECH'S
 UNOPPOSED MOTION TO RESET ORAL ARGUMENT**

On November 29, 2023, the Environmental Appeals Board issued an order in the above-captioned matter granting Petitioner Oglala Sioux Tribe's unopposed motion to amend the briefing and oral argument schedule. Order Granting Unopposed Motion to Amend Briefing and Oral Argument Schedule (Nov. 29, 2023); Tribe's Unopposed Motion to Amend Briefing and Oral Argument Schedule 1 (Nov. 22, 2023). The order established February 27, 2024, as the date for oral argument on the remaining issues for Board resolution. Order Granting Unopposed Motion to Amend Briefing and Oral Argument Schedule at 2.

On December 4, 2023, Permittee Powertech (USA) Inc. filed an unopposed motion to reset the oral argument date. The motion explains that "counsel for Powertech failed to recognize and to communicate to counsel for the other parties that some of the dates identified as acceptable for oral argument in [the Tribe's] motion would present conflicts for Powertech's lead underground injection control (UIC) counsel, including the date selected by the Board." Powertech's Unopposed Motion to Reset Oral Argument 2 (Dec. 4, 2023). The motion requests "that the date for oral argument be reset to a date [between] February 20 to February 23, 2024, or March 7 to 22, 2024, as the Board may prefer." *Id.*

Based on the representations in Powertech's motion, the Board **GRANTS** the motion. *See* 40 C.F.R. § 124.19(f)(6), (n). Oral argument will be held on **Thursday, March 14, 2024**, beginning at **1:30 p.m. Eastern Time**. The time allocated and order of presentation remain as set forth in the November 16, 2023 Order Scheduling Briefing and Oral Argument. An order addressing the logistics for oral argument will follow in January 2024.

So ordered.

ENVIRONMENTAL APPEALS BOARD

Dated: 12/11/2023

By: Wendy L. Blake
Wendy L. Blake
Environmental Appeals Judge

CERTIFICATE OF SERVICE

I certify that copies of the foregoing *Order Granting Powertech's Unopposed Motion to Reset Oral Argument* 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: Dec 11, 2023

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