

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

	)	
In re:	)	
	)	UIC Appeal No. 23-01
Penneco Environmental Solutions, LLC	)	
	)	
UIC Permit No. PAS2D702BALL	)	
	)	

**ORDER EXTENDING DEADLINE**  
**TO FILE RESPONSES TO PETITION FOR REVIEW**

On October 26, 2023, Protect PT and Three Rivers Waterkeeper (collectively, the “Petitioners”) filed a petition in which they requested that the Environmental Appeals Board (“Board”) review a final Underground Injection Control (“UIC”) Class II-D permit decision issued to Penneco Environmental Solutions, LLC (“Penneco”) by the U.S. Environmental Protection Agency, Region 3 (“Region”).

The Region subsequently filed an unopposed motion for extension of time. *See* Region’s Motion for Extension of Time 1 (Nov. 2, 2023). The Board granted the motion and extended the deadline for the Region to file a response to the petition for review to December 4, 2023, and for all other briefs addressed by 40 C.F.R. § 124.19 by seven days. Order Granting Extension of Time 1-2 (Nov. 7, 2023).

On November 6, 2023, Penneco filed a motion to dismiss on timeliness grounds. *See* Penneco’s Motion to Dismiss the Petition for Review (Nov. 6, 2023). The Petitioners filed a response in opposition to the motion to dismiss on November 20, 2023. *See* Petitioners’ Response in Opposition to Penneco’s Motion to Dismiss the Petition for Review (Nov. 20, 2023). The Board is currently reviewing the motion to dismiss and the response.

Penneco then filed the pending Motion to Stay Deadline to File Responses to Petition for Review on November 27, 2023. *See* Penneco’s Motion to Stay Deadline to File Responses to Petition for Review (Nov. 27, 2023). Penneco requests that the Board stay the current December 4, 2023, deadline to file responses to the petition for review pending the Board’s decision on the motion to dismiss. *Id.* at 1. In support of its motion, Penneco asserts that “granting this request would promote efficiency and potentially obviate preparation of a response that ultimately may not be needed” if the Board grants the motion to dismiss. *Id.* at 2. Both the Region and the Petitioners consent to the motion. *Id.*

The deadline to file responses to the petition for review is extended until the Board rules on the motion to dismiss and establishes a new deadline.

So ordered.

Dated: November 29, 2023

**ENVIRONMENTAL APPEALS BOARD**

By: 

Kathie A. Stein

Environmental Appeals Judge

**CERTIFICATE OF SERVICE**

I certify that copies of the foregoing *Order Extending Deadline to File Responses to Petition for Review* in the matter of Penneco Environmental Solutions, LLC, UIC Appeal No. 23-01, were sent to the following persons in the manner indicated:

**By Email:**

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Dated: November 29, 2023

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