

**EXHIBIT B-16**

**Notification to S. Yerman of EPA's Response to Comments Document and Final Permit**

West Bay Exploration Company (WBEC), Haystead #9 SWD  
(Permit #MI-079-2D-0010)

**Administrative Record  
Item # 166**

April 9, 2014

Tinka G. Hyde, EPA



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5  
77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590

REPLY TO THE ATTENTION OF:  
WU-16J

APR 09 2014

**CERTIFIED MAIL 7011 1150 0000 2642 5302**  
**RETURN RECEIPT REQUESTED**

Ms. Sandra Yerman  
6600 Riverside Road  
Brooklyn, Michigan 49230

**Re: Final Permit for the Haystead #9 SWD Well in Jackson County; U.S. Environmental Protection Agency (EPA) Permit Number MI-075-2D-0010, Michigan Department of Environmental Quality (MDEQ) Permit Number 60425**

Dear Ms. Yerman:

EPA received comments on EPA Draft Permit number MI-075-2D-0010 during the public comment period. Enclosed is EPA's Response to Comments (Response) for this permit action. The Response details the comments received and EPA's response to each comment. EPA considered all comments, but the comments did not raise significant issues to modify EPA's determination that the permit application and draft permit meet federal Underground Injection Control (UIC) requirements. Also enclosed is the signed final permit referenced above. Unless this permit decision is appealed to the Environmental Appeals Board as described below, the permit will become effective on the date stamped on Page 1 of the enclosed final permit. Provided there is no appeal, construction of the injection well will be authorized to commence on that date and in accordance with permit conditions.

In accordance with 40 C.F.R. § 124.19(a), any person who filed comments on the draft permit or participated in the public hearing may petition the Environmental Appeals Board to review any condition of the final permit decision. Such a petition shall include a statement of the reasons supporting review of the decision, including a demonstration that the issue(s) being raised for review were raised during the public comment period (including the public hearing) to the extent required by 40 C.F.R. § 124.13. The petition should, when appropriate, show that the permit condition(s) being appealed are based upon either, (1) a finding of fact or conclusion of law which is clearly erroneous, or (2) an exercise of discretion or an important policy consideration which the Environmental Appeals Board should, in its discretion, review.

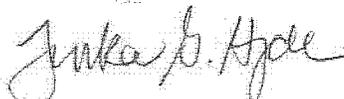
If you wish to request an administrative review, you must submit such a request by regular mail to the Clerk of the Board, United States Environmental Protection Agency, Environmental Appeals Board, 1200 Pennsylvania Avenue, N.W., Mail Code 1103M, Washington, D.C. 20460-0001. Requests sent by express mail or hand-delivered must be sent to the Clerk of the Board, United States Environmental Protection Agency, Environmental Appeals Board, 1201 Constitution Avenue, NW, WJC East, Room 3332, Washington, D.C. 20004.

A petition for review of any condition of a UIC permit decision must be filed with the Environmental Appeals Board within 30 days after EPA serves notice of the issuance of the final permit decision. 40 C.F.R. § 124.19(a)(3). When EPA serves the notice by mail, service is deemed to be completed when the notice is placed in the mail, not when it is received. However, to compensate for the delay caused by mailing, the 30-day deadline for filing a petition is extended by three days if the final permit decision being appealed was served on the petitioner by mail. 40 C.F.R. § 124.20(d). Petitions are deemed filed when they are received by the Clerk of the Board at the address specified for the appropriate method of delivery. 40 C.F.R. § 124.19(a)(3) and 40 C.F.R. § 124.19(i). The request will be timely if received within the time period described above. For this request to be valid, it must conform to the requirements of 40 C.F.R. § 124.19. A copy of these requirements is enclosed. This request for review must be made prior to seeking judicial review of any permit decision. Additional information regarding petitions for review may be found in the Environmental Appeals Board Practice Manual (August 2013) and A Citizen's Guide to EPA's Environmental Appeals Board, both of which are available at [http://yosemite.epa.gov/oa/EAB\\_Web\\_Docket.nsf/General+Information/Environmental+Appeals+Board+Guidance+Documents?OpenDocument](http://yosemite.epa.gov/oa/EAB_Web_Docket.nsf/General+Information/Environmental+Appeals+Board+Guidance+Documents?OpenDocument)

The Environmental Appeals Board may also decide on its own initiative to review any condition of any UIC permit. The Environmental Appeals Board must act within 30 days of the service date of notice of the Regional Administrator's action. Within a reasonable time following the filing of the petition for review, the Environmental Appeals Board shall issue an order either granting or denying the petition for review. To the extent review is denied, the conditions of the final permit decision become final agency action when a final permit decision is issued by the EPA pursuant to 40 C.F.R. § 124.19(l).

If you have any questions, please contact Tim Elkins at (312) 886-0263 or by email to [elkins.timothy@epa.gov](mailto:elkins.timothy@epa.gov).

Sincerely,



Tinka G. Hyde  
Director, Water Division

Enclosures