



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

REPLY TO THE ATTENTION OF  
WU-16J

**RE: Final Permit for the Jordan Development, L.L.C. well in Gladwin County, Michigan;  
U.S. Environmental Protection Agency Permit Number MI-051-2D-0031.**

Dear Commenter:

On September 28, 2017 and again on May 15, 2018, the U.S. Environmental Protection Agency notified the public of the opportunity to comment on draft permit number MI-051-2D-0031. A public information meeting and public hearing were held in Gladwin on June 19, 2018. The public comment period ended on June 22, 2018. EPA received comments on the draft permit.

EPA has reviewed the comments. The enclosed Response to Comments on Draft Class IID Permit Issued to Jordan Development, L.L.C. details the comments received and EPA's response to each comment. 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.

This action constitutes issuance of a UIC Class IID permit. Unless this permit decision is appealed to the Environmental Appeals Board (EAB) as described below, the permit will become effective on DEC 10 2018. Provided there is no appeal, conversion of the injection well will be authorized to commence on the effective 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 EAB to review any condition of the final permit decision. Additionally, any person who failed to file comments on the draft permit may petition the EAB for administrative review of any permit conditions set forth in the final permit decision, but only to the extent that those final permit conditions reflect changes from the proposed draft permit. Any petition shall identify the contested permit condition or other specific challenge to the permit decision and clearly set forth, with legal and factual support, petitioner's contentions for why the permit decision should be reviewed, as well as a demonstration that any issue raised in the petition was raised previously during the public comment period (to the extent required), if the permit issuer has responded to an issue previously raised, and an explanation of why the permit issuer's response to comments was inadequate as required by 40 C.F.R. § 124.19(a)(4).

If you wish to request an administrative review, documents in EAB proceedings may be filed by mail (either through the U.S. Postal Service ("USPS") or a non-USPS carrier), hand-delivery, or electronically. The EAB does not accept notices of appeal, petitions for review, or briefs submitted by facsimile. All submissions in proceedings before the EAB may be filed electronically, subject to any appropriate conditions and limitations imposed by the EAB. To view the Board's Standing Orders concerning electronic filing, click on the "Standing Orders" link on the Board's website at

[www.epa.gov/eab](http://www.epa.gov/eab). All documents that are sent through the USPS, except by USPS Express Mail, must be addressed to the EAB's mailing address, which is: Clerk of the Board, U.S. Environmental Protection Agency, Environmental Appeals Board, 1200 Pennsylvania Avenue, NW, Mail Code 1103M, Washington, D.C. 20460-0001. Documents that are hand-carried in person, delivered via courier, mailed by Express Mail, or delivered by a non-USPS carrier such as UPS or Federal Express must be delivered to: Clerk of the Board, United States Environmental Protection Agency, Environmental Appeals Board, 1201 Constitution Avenue, NW, WJC East Building, Room 3332, Washington, D.C. 20004.

A petition for review of any condition of a UIC permit decision must be filed with the EAB 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. 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 EAB may also decide on its own initiative to review any condition of any UIC permit. The EAB 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 EAB 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 Janette Hansen by email to [hansen.janette@epa.gov](mailto:hansen.janette@epa.gov) or at: U.S. EPA Region 5, WU-16J, 77 West Jackson Blvd., Chicago, IL 60604.

Sincerely,



Linda Holst  
Acting Division Director  
Water Division

Enclosures