

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

In re:	)	
	)	
Windfall Oil & Gas, Inc.	)	UIC Appeal No. 21-01
	)	
Permit No. PAS2D020BCLE	)	
	)	

**ORDER GRANTING MOTION FOR EXTENSION OF TIME**

On January 12, 2021, Darlene Marshall filed a petition for review of an Underground Injection Control permit that authorizes Windfall Oil & Gas, Inc. to construct and operate a Class II-D injection well, the “Zelman #1,” in Brady Township, Clearfield County, Pennsylvania. On January 26, 2021, U.S. Environmental Protection Agency, Region 3 (“Region”), filed an unopposed motion for a 29-day extension of time to file its response to the petition for review, along with a certified index and relevant portions of the administrative record. The Region’s response is currently due on or before February 11, 2021.

In support of its request for an extension of time the Region explains that sufficient time and administrative resources are required to respond appropriately to the petition for review, which the Region states raises eighty-three issues in total, and thirteen issues in some depth. The Region states that it must also consult with legal and program management in the Region and at EPA Headquarters prior to finalizing its response to the petition for review. The Region contacted Petitioner and explained that she concurred with the Region’s proposed motion.

Based on the Region’s representations in its unopposed motion, the Environmental Appeals Board (“Board”) hereby grants the Region’s motion for an extension of time to file its


response to the petition for review. *See* 40 C.F.R. § 124.19(o). The Region's response, along with a certified index and relevant portions of the administrative record, must be filed on or before **Friday, March 12, 2021**. *See* 40 C.F.R. § 124.19(b)(2). The same deadline applies to the Permittee should it choose to file a response to the petition for review. *Id.* § 124.19(b)(3). If Petitioner chooses to file a reply brief, the reply brief must be filed on or before **Monday, March 29, 2021**. *See* 40 C.F.R. §§ 124.19(c)(2), 124.20(c).

Pursuant to 40 C.F.R. section 124.19(i)(3)(iii), the Board is serving this Order by e-mail (Clerk\_EAB@epa.gov) at the addresses provided by the parties which are listed on the attached Certificate of Service. Parties shall promptly file a notice in this matter informing the Board and the other parties if their e-mail address changes. The parties should continue to use the Board's electronic filing system for filing all documents in this appeal.

So ordered.

**ENVIRONMENTAL APPEALS BOARD**

Dated: January 27, 2021

By:   
Kathie A. Stein  
Environmental Appeals Judge

## CERTIFICATE OF SERVICE

I certify that copies of the foregoing *Order Granting Motion for Extension of Time* in the matter of Windfall Oil & Gas, Inc., UIC Appeal No. 21-01, were sent to the following persons in the manner indicated:

**By Email:**

*Petitioner*

Darlene Marshall  
1070 Highland Street Extension  
DuBois, PA 15801  
Telephone: (814) 583-7945  
Email: [mrdeewy@yahoo.com](mailto:mrdeewy@yahoo.com)

*Attorney for EPA Region 3*

William C. Smith  
Senior Assistant Regional Counsel  
Office of Regional Counsel  
EPA Region 3  
Philadelphia, PA 19103  
Telephone: (215) 814-2690  
Email: [smith.william@epa.gov](mailto:smith.william@epa.gov)

Dated: January 27, 2021



---

Eurika Durr  
Clerk of the Board