

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

In the Matter of:

**West Bay Exploration Company of
Traverse City, Michigan,
Haystead #9 SWD,
Permit No. MI-075-2D-0010,
Jackson County, Michigan.**

Permit Appeal No. UIC 14-66

**EPA REGION 5 MOTION FOR AN EXTENSION OF TIME TO FILE A RESPONSE
TO PETITION FOR REVIEW**

Region 5 of the United States Environmental Protection Agency (the Region) respectfully requests that the Environmental Appeals Board (EAB) grant a 34-day extension of time to file its response to the above-captioned Appeal (Petition for Review).

In support of the Motion, the Region states as follows:

1. On April 29, 2011, the West Bay Exploration Company, Traverse City, Michigan, (Permittee) submitted an application to the Region for the construction and operation a new Class II well for brine disposal, pursuant to the Underground Injection Control Program, Part C of the Safe Water Drinking Act, 42 U.S.C. § 300h *et seq.* The well is to be located in Jackson County, Michigan and known as the “Haystead #9 SWD.”
2. On April 9, 2014, the Region issued a final permit to the Permittee for the Haystead #9 well [Permit No. MI-075-2D-0010] (Haystead #9 Permit). The Region also simultaneously issued a Response to Public Comment document (RTC) summarizing the Agency’s responses to all of the public comments received on the proposed permit action. The notice of the final permit and RTC was mailed to all persons who provided

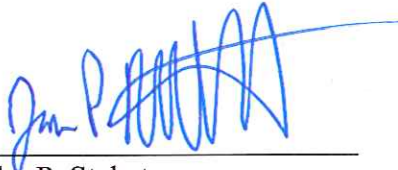
- EPA with comments and to other State and federal officials and provided instructions on how to appeal the permit to the EAB. See 40 C.F.R. §§ 124.15(a) and 124.19.
3. On May 8, 2014, the subject Petition for Review was filed with the EAB by Mr. Peter Bormuth, Jackson, Michigan (Petitioner Bormuth) seeking review of the Haystead #9 Permit [EAB Appeal No. UIC 14-66].
 4. On May 14, 2014, a Petition for Review was filed with the EAB by Ms. Sandra K. Yerman, Brooklyn, Michigan (Petitioner Yerman) seeking review of the Haystead #9 Permit [EAB Appeal No. UIC 14-67].
 5. In early 2014, EPA used its voluntary early-retirement and voluntary separation payment authority to significantly reduce Agency staff due to budgetary issues. As a result, the Region recently lost a large number of employees due to retirement and, with limited exceptions, has not hired any new employees to fill these vacated positions. This has meant more work for the remaining employees, along with less resources and administrative support to complete required assignments. These circumstances have made it more difficult for the Region to meet required deadlines in all matters, including litigation deadlines. In addition, the Region requires additional time in the event it is required to consult with EPA Headquarters on the matter.
 6. Barring any unusual or unanticipated circumstances, the Region does not anticipate seeking an extension of time to respond to Petitioner Yerman's Petition for Review.
 7. On May 21, 2014, the Region, contacted Petitioner Bormuth via telephone and e-mail to determine whether he concurred with or opposed this Motion, as required by 40

C.F.R. § 124.15(f)(2). On May 22, 2014, he notified the Region that he objects to this Motion.

8. The Region asserts that the requested extension of time is necessary and will not prejudice Petitioner Bormuth.

Accordingly, the Region respectfully requests that its Motion be granted and that the 30-day deadline for the Region's response to the Petition for Review in this matter be extended by an additional 34 days, until July 11, 2014.

Respectfully submitted,



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Dated this **22nd day of May, 2014**.

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CERTIFICATE OF SERVICE

I hereby certify that the original of the attached **MOTION FOR EXTENSION OF TIME** in the matter **WEST BAY EXPLORATION COMPANY OF TRAVERSE CITY, MICHIGAN, HAYSTEAD #9 SWD, PERMIT NO. MI-075-2D-0010, JACKSON COUNTY, MICHIGAN, EAB Appeal No. UIC 14-66**, was filed today with the Board electronically, via the Central Data Exchange.

Further, I hereby certify that one copy of the attached **MOTION FOR EXTENSION OF TIME** in the matter **WEST BAY EXPLORATION COMPANY OF TRAVERSE CITY, MICHIGAN, HAYSTEAD #9 SWD, PERMIT NO. MI-075-2D-0010, JACKSON COUNTY, MICHIGAN, EAB Appeal No. UIC 14-66**, was sent to the Petitioner and Permit Applicant via Express Mail to the following addresses:

Peter Bormuth
142 West Pearl Street
Jackson, Michigan 49201

and

Timothy Brock
West Bay Exploration Company
13685 South West Bay Shore Drive, Suite 200
Traverse City, Michigan 49684



John P Steketee



Date