

CLERK OF THE BOARD
USEPA - EAB
1200 PENNSYLVANIA AVE NW
MAIL CODE 1103 M
WASHINGTON, DC. 20460-0001

MAY 28, 2014

RECEIVED
U.S. E.P.A.

2014 MAY 28 AM 10:26

DEAR CLERK OF THE BOARD - EURIKA DURR / EAB / ET AL. AIR. APPEALS BOARD
MOTION TO ALLOW FILING OF PETITION: VIC PERMIT APPEAL 14-67.

I SPOKE WITH THE CLERK OF THE BOARD, EURIKA DURR, AT THE EAB FOR ABOUT 40 MIN (3 PHONE CALLS) TUE. MAY 20, 2014, AND, BECAUSE OF MY CIRCUMSTANCE(S) RE: SENDING MY PETITION TO THE USEPA EAB BY U.S.P.S. EXPRESS MAIL R (UNITED STATES POSTAL SERVICE EXPRESS MAIL). MS. DURR STATED I MAY MAKE THIS MOTION (WITHOUT OTHER PARTIES OBJECTION OR CONCURRENCE - I ASKED TWICE) AND "JUST EXPLAIN TO THE BOARD" WHAT HAPPENED.

ON MAY 10, 2014, I SENT MY PETITION - AS ABOVE - BY USPS EXPRESS MAIL, GUARANTEED TO BE DELIVERED IN 2 DAYS AS THE EXPRESS MAIL LABEL INDICATES (SEE ENCLOSED) TO THE "EXPRESS MAIL" ADDRESS + ZIP CODE 20004 ON THE APR 9, 2014 CERTIFIED LETTER FROM TINKA HYDE - WATER DIVISION DIRECTOR, # 7011 1150 0000 2642 5302 (WHICH I HAD TO SIGN A GREEN RETURN RECEIPT FOR) (SEE APR 9, 2014 ^{CERT.} LETTER, ENCLOSED).

ON MAY 12, 2014, MY PETITION "LANDED" ON 20004 ZIP CODE, AS ADDRESSED - BUT THEN BOUNCED AROUND WASHINGTON, DC. UNTIL MAY 14, 2014 (2 DAYS LATE) WHEN IT LANDED ON ZIP CODE 20460 (A ZIP CODE DESIGNATED AS "REGULAR MAIL" ON TINKA HYDE'S APR 9, 2014 CERTIFIED LETTER).

AFTER BEING ^{OUT OF TOWN} WITH FAMILY FOR MOTHER'S DAY, I WAS STUNNED WHEN I CALLED U.S.P.S. TRACKING NUMBERS ON MAY 15, 2014 AND FOUND OUT MY PETITION ARRIVED AT CLERK OF THE BOARD / EAB 2 DAYS LATER THAN GUARANTEED BY U.S.P.S. - ON MAY 14, 2014. I IMMEDIATELY CALLED PERMIT WRITER - TIM ELKINS, AND 56X ASKED HIM "WOULD (HE) PULL UP TINKA HYDE'S CERT. LETTER AND CHECK THE ADDRESS FOR EXPRESS MAIL?" HE STATED: "(HE) CAN'T COMMENT BECAUSE (ANOTHER) APPEAL HAS BEEN FILED." AND "YOU CAN GET AN ATTORNEY IF YOU WANT TO." ? (© 312-886-0263 12:21 PM, 8 min. 10 sec.). HMMM. PREVIOUSLY, IN 2013 (FOR WEST BAY'S #22 SWD) I GOT A RESPONSE TO COMMENTS ON JAN 9, 2013 AND A 2ND SERVICE OF NOTICE ON JAN. 14, 2013. EVEN THO VIC PERMIT NO 13-1 WAS FILED JAN. 8, 2013 !!!!!!

(2)

UIC APPEAL NO 14-67

AFTER 40 MIN. OF SPEAKING WITH MS. DUK - CLERK OF THE BOARD, I BELIEVE IT WAS UNDERSTOOD THAT BOTH "REGULAR MAIL" AND "EXPRESS MAIL" WOULD HAVE TO GO TO THE REGULAR MAIL ADDRESS - ZIP CODE 20460 - IF HANDLED BY THE U.S.P.S. (UNITED STATES POSTAL SERVICE). MS HYDE'S CERTIFIED LETTER 7011 1150 0000 2642 5362 DATED APR. 9 2014 DID NOT STATE A CORRECT U.S.P.S. - "EXPRESS MAIL" ADDRESS. THE "EXPRESS MAIL" ADDRESS STATED IN MS. HYDE'S CERTIFIED LETTER WAS CORRECT ONLY FOR FED-EX, OR OTHER SUCH DELIVERY COMPANIES!

THEREFORE, I AM REQUESTING TO THE USEPA EAB (ENVIRONMENTAL APPEALS BOARD) TO FILE AND DOCKET MY UIC APPEAL NO. 14-67 FOR MAY 12 2014 (THE 33RD DAY FROM APR. 9 2014) BECAUSE:

- ① I DID NOT RECEIVE A CORRECT MAILING ADDRESS FOR A "U.S.P.S.-EXPRESS MAIL" DELIVERY (WHICH CAUSED MY PETITION TO BE 2 DAYS LATE) PER MS. HYDE'S CERTIFIED LETTER.)
- ② MY PETITION DID ARRIVE AT ZIP CODE 20004 - THE "EXPRESS MAIL" ZIP CODE ON MAY 12 2014, AS AFFIDAVIT* STATES (MAY 16 2014). (SEE TRACKING INFO / W/ EXPRESS LABEL)
- ③ MY PETITION DID ARRIVE AT ZIP CODE 20460 - TWICE - ON MAY 12, 2014 - WHICH TURNS OUT TO BE THE CORRECT ZIP CODE FOR BOTH "REGULAR MAIL" AND "EXPRESS MAIL" HANDLED BY THE U.S.P.S.!
- ④ IF NOT DOCKETED, I WILL HAVE BEEN DISENFRANCHISED:
 - a. FROM HAVING MY UIC APPEAL NO. 14-67 HEARD NOW, AND
 - b. FROM BEING ABLE TO FILE AN ADMINISTRATIVE REVIEW (LAWSUIT IN COURT) LATER; THRU NO FAULT OF MY OWN.PLEASE ACCEPT MY UIC APPEAL NO. 14-67 TO BE FILED AND DOCKETED AS OF MAY 12 2014 - MY GUARANTEED DATE BY U.S.P.S.

✓ ENCLOSURES:

- U.S.P.S. EXPRESS LABEL, TRACKING.
- APR 9 2014 CERTIFIED LETTER
- AFFIDAVIT - ORIGINAL COPY.

Sincerely,
X Sandra K. Yerman
SANDRA K. YERMAN
6600 RIVERSIDE RD
BROOKLYN, MI 49230

* AFFIDAVIT: ON MAY 16, 2014, I CREATED AN "AFFIDAVIT" WHICH STATED INFO (ON PG. 1, TP 2 AND 3) AND FAXED THAT TO: EAB - CLERK OF THE BOARD, REG. SCOUNSEL ROBERT KAPLAN, RA. SUSAN HEDMAN (SEE ORIGINAL COPY - ENCLOSED)

ON THIS DATE, I SERVED NOTICE TO ALL BELOW
USING 1ST CLASS MAIL:

* ALSO BY FACSIMILE:
202-233-0121

WEST BAY EXPLORATION CO.
13685 WEST BAY SHORE DR.
SUITE 200.
TRAVERSE CITY, MI 49684

USEPA, REGION 5
REGIONAL ADMINISTRATOR
SUKAN HEDMAN ET AL
77 WEST JACKSON BLVD
CHICAGO, I 60604

USEPA REGION 5
OFFICE OF REGIONAL COUNSEL
ROBERT KAPLAN R.C.
77 WEST JACKSON BLD
CHICAGO, IL 60604 3587

X Sandra K. Yerman
SANDRA K YERMAN
PETITIONER UIC 14-67
6600 RIVERSIDE RD
BROOKLYN, MI 49230
X May 22, 2014.
DATE

✓ Id for content - 3 pgs
+ enclosures.

RE: WESTBAY EXPLORATION CO
HAYSTACK #9 SWD
VIC PERMIT NO. MI 075-2D-0010

FLI.
MAY 16, 2014

AFFIDAVIT RE: YERMAN VIC PERMIT APPEAL
I, SANDRA K. YERMAN, 6600 RIVERSIDE RD,
BROOKLYN, MI 49230-517-358-2315 :

DO STATE, AND SWEAR,
THAT ON MAY 10, 2014, I CAUSED A VIC APPEAL
PACKAGE TO BE SENT "EXPRESS MAIL" WITH A
CORRESPONDING EXPRESS MAILING ADDRESS,
FROM U.S. PS. IN BROOKLYN, MI 49230 TO
USEPA EAB CLERK OF THE BOARD, IN
WASHINGTON, DC 20004 (ZIP CODES UNDERLINED.)
MY EXPRESS LABEL STATED "WAIVER OF SIGNATURE"
WHICH I SIGNED ON MAY 10, 2014. TO DESIGNATE.
SAID VIC APPEAL PACKAGE ARRIVED IN
WASHINGTON, DC 20004 ON MAY 12, 2014 (AND
WAS SCANNED W/ POSTING DATE MAY 12, 2014). THIS
WAS THE 33RD DAY FROM THE APR 9, 2014 FINAL
PERMIT NOTICE - SO MY VIC APPEAL WAS ON TIME!

FOR AN UNKNOWN/UNSTATED REASON, MY VIC APPEAL
PACKAGE WENT ON FROM WASHINGTON, DC 20004
TO WASHINGTON, DC 20460 (A ZIP CODE RESERVED
FOR REGULAR MAIL - WHICH MINE WAS NOT).

I STATE, AND SWEAR, THAT MY VIC APPEAL PACKAGE
WAS IN AN ADDRESSED, SEALED MANILLA ENVELOPE -
WITH ABSOLUTELY NO POSTAGE ON IT - SET INSIDE
A USPS EXPRESS PRIORITY MAIL ENVELOPE, WITH AN
EXPRESS LABEL ATTACHED TO IT, GUARANTEED FOR 5-12-2014
(COPIES OF USPS TRACKING W/ 1ST CLASS MAIL & 3RD.
EXPRESS MAIL POSTAGE: *19.99.

Sandra K. Yerman
SANDRA K. YERMAN
PETITIONER


Rachel Millyard

USE APPEN 14-67

SEE LETTER, PG 2

BROOKLYN (MPO)
 Brooklyn, Michigan
 492309998
 2524950653-0097
 05/10/2014 (800)275-8777 11:52:09 AM

Sales Receipt
 Product Description Sale Unit Qty Price Final Price

CHICAGO IL 60604 Zone-3 \$1.40
 First-Class Mail Large Env
 2.80 oz.
 Expected Delivery: Mon 05/12/14
 Issue PVI: \$1.40

TRAVERSE CITY MI 49684 \$1.40
 Zone-2
 First-Class Mail Large Env
 2.80 oz.
 Expected Delivery: Mon 05/12/14
 Issue PVI: \$1.40

WASHINGTON DC 20004 \$19.99
 Zone-4
 Priority Mail Express 2-Day
 Flat Rate Env
 9.10 oz.
 USPS Tracking #: EU948237924US
 Scheduled Delivery Day: Mon
 05/12/14 03:00PM - Money Back
Guarantee
 Includes \$100 insurance

Signature Waived
 Issue PVI: \$19.99
 Total: \$22.79

Paid by:
 Debit Card \$32.79
 Account #: XXXXXXXXXXXXX7124
 Approval #:
 Transaction #: 705
 23903041168
 Receipt #: 001977
 Debit Card Purchase \$22.79
 Cash Back \$10.00

Save this receipt as evidence of insurance. For information on filing an insurance claim go to usps.com/ship/file-domestic-claims.htm

Customer Copy
 Label 11-B, March 2004

Post Office To Addressee



UNITED STATES POSTAL SERVICE

DELIVERY (POSTAL USE ONLY)		CUSTOMER USE ONLY	
Delivery Attempt	Time ☐ AM ☐ PM	Employee Signature	
Mo. Day		Employee Signature	
Delivery Attempt	Time ☐ AM ☐ PM	Employee Signature	
Mo. Day		Employee Signature	
Delivery Date	Time ☐ AM ☐ PM	Employee Signature	
Mo. Day		Employee Signature	

WARRANTY OF SIGNATURE (Domestic Mail Only)
 Additional merchandise insurance is void if customer requests waiver of signature.
 I wish delivery to be made without obtaining signature of addressee or addressee's agent (if delivery employee judges that article can be left in care of addressee's agent or if delivery employee judges that signature of addressee or addressee's agent is not required for delivery of article).
 Federal Agency Acct. No. or Postal Service Acct. No.
 NO DELIVERY ☐ Weekend ☐ Holiday ☐ Mailer Signature

TO: (PLEASE PRINT) PHONE ()
 US EPA - END
 1201 CONSTITUTION AVE NW
 WASHINGTON, DC 20004
 ZIP + 4 U.S. ADDRESSES ONLY. DO NOT USE FOR FOREIGN POSTAL CODES.
 FOR INTERNATIONAL DESTINATIONS, WRITE COUNTRY NAME BELOW.

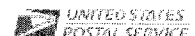


EU 948237924 US

ORIGIN (POSTAL SERVICE USE ONLY)		POSTAGE		INSURANCE FEE	
PO ZIP Code	Day of Delivery	Postage	Return Receipt Fee	Insurance Fee	
49230	☐ Next ☐ 2nd ☒ 3rd Day	\$19.99	\$	\$	
Date Accepted	Scheduled Date of Delivery	COD Fee	Total Postage & Fees	Acceptance Emp. Initials	
5-10-14	5-12-14	\$	\$19.99		
Mo. Day Year	Month Day Year				
Time Accepted	Scheduled Time of Delivery				
11:19 AM	☐ Noon ☒ 3 PM				
Flat Rate ☒ or Weight	Military ☐ Int'l Alpha Country Code				
9.1 lbs.					

FROM: (PLEASE PRINT) PHONE ()
 SANDRA K VERMAN
 6609 RIVERSIDE RD
 BROOKLYN, MI 49230

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 Call 1-800-222-1811

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May 16, 2014

Track & Confirm Intranet Tracking Number Result

Result for Domestic Tracking Number EU94 8237 924U S

Destination and Origin

Destination

ZIP Code	City	State
20004	WASHINGTON	DC

Origin

ZIP Code	City	State
492309998	BROOKLYN	MI

Tracking Number Classification

Class/Service

Class/Service: Priority Mail Express PO-Add
Class of Mail Code/Description: EX / Priority Mail Express 2-Day™

Service Delivery Information

Service Performance Date: Scheduled Delivery Day and Time: Monday, 05/12/2014 15:00
Predicted Delivery Date: Monday, 05/12/2014
Delivery Option Indicator: 1 - Normal Delivery
Zone: 04
PO Box: N
Other Information [Service Calculation Information](#)

Payment

Payment Type: Other Postage
Payment Account Number: 000000000000
Postage: \$19.99
Weight: 0 lb(s) 10 oz(s)
Rate Indicator: PRIORITY MAIL EXPRESS FLAT RATE POST OFFICE TO ADDRESSEE

Other Information

Firm Label ID: 5103 OSHG K437 3245 1685

Extra Services

Extra Services Details

Description	Amount
PO to Addressee	
\$100 insurance included	\$0.00

Events

Event	Event Date	Event Time	Location	Input Method	Scanner ID	Carrier Route	Posting Date / Time (Central Time)	Other Information
DELIVERED	05/14/2014	08:37	WASHINGTON, DC 20460	Firm Book	030SHGK437	Scanned by route 25000004	05/14/2014 12:13:34	View Delivery Signature and Address Facility Finance Number: 105010 Firm Name: EPA 20460 R4

Event	Event Date	Event Time	Location	Input Method	Scanner ID	Carrier Route	Posting Date / Time (Central Time)	Other Information
								Recipient Name: V PICKERING
								Request Delivery Record
ARRIVAL AT UNIT	05/14/2014	05:58	WASHINGTON, DC 20018	Firm Book	030SHGK437	Scanned by route 25000004	05/14/2014 05:02:41	
FORWARDED	05/12/2014	10:51	WASHINGTON, DC 20005	Scanned	030SHCQ853	Scanned by route 00000000	05/12/2014 10:45:39	
FORWARDED TO	05/12/2014	10:51	WASHINGTON, DC 20460	System Generated				
FORWARDED	05/12/2014	10:49	WASHINGTON, DC 20005	Scanned	030SHCQ853	Scanned by route 00000000	05/12/2014 10:45:39	
FORWARDED TO	05/12/2014	10:49	WASHINGTON, DC 20460	System Generated				
UNDELIVERABLE AS ADDRESSED	05/12/2014	10:32	WASHINGTON, DC 20004	Scanned	030SHCQ853	Scanned by route 00000000	05/12/2014 10:45:39	
OUT FOR DELIVERY	05/12/2014	08:19	WASHINGTON, DC 20018	System Generated			05/12/2014 07:38:36	
SORTING/PROCESSING COMPLETE	05/12/2014	08:09	WASHINGTON, DC 20018	System Generated			05/12/2014 07:27:36	Distribution Complete Label ID: <u>DC14 4222 5000 1405 1207 1859</u>
ARRIVAL AT UNIT	05/12/2014	05:13	WASHINGTON, DC 20018	Scanned	PASS-008-		05/12/2014 04:16:16	
ENROUTE/PROCESSED	05/12/2014	03:52	WASHINGTON, DC 20074	Scanned	030SHLQ903	Scanned by route 20074000	05/12/2014 03:41:36	
DISPATCHED FROM SORT FACILITY	05/11/2014	10:33	DETROIT, MI 48242	System Generated			05/11/2014 09:58:31	Dispatch Label ID: <u>DS13 6076 2333 1405 1109 4500</u>
ENROUTE/PROCESSED	05/10/2014	19:39	DETROIT, MI 48242	Scanned	030SHJR887	Scanned by route 99999999	05/11/2014 01:40:44	
DEPART POST OFFICE	05/10/2014	12:10	BROOKLYN, MI 49230	System Generated			05/10/2014 11:27:38	Closeout Label ID: <u>CT13 5742 2000 1405 1011 1835</u>
ACCEPT OR PICKUP	05/10/2014	11:50	BROOKLYN, MI 49230	Scanned			05/10/2014 11:19:51	Facility Finance Number: 251270

Enter up to 10 items separated by commas.

Select Search Type: Quick Search

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Product Tracking System, All Rights Reserved
Version: 1.8.0.9



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.

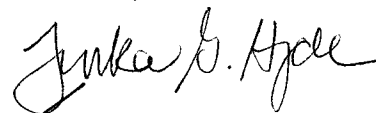
A petition for review of any condition of a UIC permit decision must be filed with the Environmental Appeals Board within 30 days after EPA serves notice of the issuance of the final permit decision. 40 C.F.R. § 124.19(a)(3). When EPA serves the notice by mail, service is deemed to be completed when 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

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.

5-15-14

Sincerely,



✓ Tinka G. Hyde
Director, Water Division

Enclosures