

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

---

In the Matter of:	)	
	)	
Penneco Environmental Solutions, LLC	)	
	)	
Class II-D Injection Well, Plum Borough, Allegheny County Pennsylvania	)	UIC Appeal No. 23-01
	)	
Permit No. PAS2D702BALL	)	

---

**MOTION TO STAY DEADLINE TO FILE RESPONSES TO PETITION FOR REVIEW**

Penneco Environmental Solutions, LLC (“Penneco”), applicant for the above-described permit, respectfully requests that the Environmental Appeals Board (“Board”) stay the December 4, 2023 deadline established for responses to be filed to the Petition for Review in this matter, pending the Board’s decision on Penneco’s Motion to Dismiss, filed on November 6, 2023. In support of this request, Penneco states the following:

1. On October 26, 2023, Protect PT and Three Rivers Waterkeeper (“Petitioners”) filed with the Board a Petition for Review of a Class II UIC Permit issued to Penneco on September 21, 2023.
2. On November 2, 2023, the permit issuer United States Environmental Protection Agency Region 3 (“EPA”) filed a motion to extend the deadline to file a response to the Petition for Review until December 4, 2023. Neither Petitioners nor Penneco objected to this request.
3. On November 6, 2023, Penneco filed a Motion to Dismiss the Petition for Review with the Board, asserting that the Petition was untimely.

4. On November 7, 2023, the Board issued an Order granting EPA's motion for extension, establishing December 4, 2023 as the deadline for EPA to file its response to the Petition for Review. The Board's Order also extended the deadlines for all other briefs addressed by 40 C.F.R. § 124.19 by seven days. Pursuant to 40 C.F.R. § 124.19(b)(3), the deadline for a permit applicant wishing to file a response to a petition is the same as the deadline provided for EPA to file its response.

5. On November 20, 2023, Petitioners filed a Response in Opposition to Penneco's Motion to Dismiss.

6. Penneco does not intend to file a reply to Petitioners' Response, as Penneco believes that its Motion to Dismiss is ready for determination by the Board.

7. Penneco requests that the Board stay the current December 4, 2023 deadline to file responses to the Petition for Review. Penneco believes that granting this request would promote efficiency and potentially obviate preparation of a response that ultimately may not be needed, given that Penneco's pending Motion to Dismiss, if granted, would be dispositive of the entire matter before the Board. Should the Board deny Penneco's Motion to Dismiss, Penneco requests that the Board establish a new deadline for filing responses to the Petition for Review reflecting a reasonable amount of time following its decision, based on its authority under 40 C.F.R. § 124.19(n).

8. Penneco has consulted with EPA and Petitioners and has been informed that both parties consent to the grant of this Motion to Stay Deadline to File Responses.

Respectfully submitted,

/s/ Jean M. Mosites

Jean M. Mosites  
Babst, Calland, Clements and Zomnir, P.C.  
Two Gateway Center, 6<sup>th</sup> Floor  
603 Stanwix Street  
Pittsburgh, PA 15222  
(412) 394-5400  
[jmosites@babstcalland.com](mailto:jmosites@babstcalland.com)  
PA Bar ID No. 206546

*/s/ Varun Shekhar*

---

Varun Shekhar  
Babst, Calland, Clements & Zomnir, P.C.  
Two Gateway Center, 6<sup>th</sup> Floor  
603 Stanwix Street  
Pittsburgh, PA 15222  
(412) 394-5400  
[vshekhar@babstcalland.com](mailto:vshekhar@babstcalland.com)  
PA Bar ID No. 317151

*Counsel for Penneco Environmental Solutions, LLC*

Dated: November 27, 2023

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing was served by e-mail this 27<sup>th</sup> day of November, 2023, upon the persons listed below:

Philip Yeany  
Senior Assistant Regional Counsel  
US Environmental Protection Agency  
Region III  
1600 John F. Kennedy Blvd.  
Philadelphia, PA 19103  
[Yeany.Philip@epa.gov](mailto:Yeany.Philip@epa.gov)  
(215) 814-2495

Lisa Johnson  
Lisa Johnson & Associates  
1800 Murray Ave #81728  
Pittsburgh, PA 15217  
[lisa@lajteam.com](mailto:lisa@lajteam.com)  
(412) 913-8583

*/s/ Varun Shekhar* \_\_\_\_\_

Varun Shekhar  
Babst, Calland, Clements and Zomnir, P.C.  
603 Stanwix Street, Sixth Floor  
Pittsburgh, PA 15222  
(412) 394-5400  
vshekhar@babstcalland.com  
PA Bar ID No. 317151

*Counsel for Penneco Environmental Solutions, LLC*