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ENVIR. APPEALS BOARD

**FAX**

**PLEASE DELIVER THE FOLLOWING MATERIAL AS SOON AS POSSIBLE  
CONFIDENTIAL  
DATE: August 5, 2005**

**FAX TO:**

<b>NAME:</b>	Eurlka Durr	William C. Fulkerson
<b>FAX:</b>	202-233-0121	616-222-2438
<b>PHONE:</b>	202-233-0122	616-752-2438

**ADDRESS:**

**FROM:**

Name: Mory Chabria  
Fax: (312) 886-0747  
Phone: (312) 886-6842  
Address: U.S. Environmental Protection Agency  
Region 5  
Office of Regional Counsel  
77 West Jackson Boulevard, C-14J  
Chicago, IL 60604

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**MESSAGE:**

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

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U.S. EPA

2005 AUG -5 PM 10:42

ENVIR. APPEALS BOARD

REPLY TO THE ATTENTION OF:

August 5, 2005

**VIA FACSIMILE AND FEDERAL EXPRESS**

Ms. Eureka Durr, Clerk of the Board  
U.S. Environmental Protection Agency  
Environmental Appeals Board  
1341 G Street NW, Suite 600  
Washington, D.C. 20005

Re: Sunoco Partners Marketing & Terminals, LP  
Permit Number: MI-163-3G-A002  
Appeal Number: UIC 05-01

Dear Ms. Durr:

Enclosed please find an original (signed in blue ink) and five copies of a Motion for Extension of Time to Respond to Petition for Review in the above referenced matter.

Please feel free to contact me at 312-886-6842 with any questions.

Sincerely,

Momy G. Chabria  
Associate Regional Counsel

Enclosures

cc: William C. Fulkerson

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

RECEIVED  
JUL 20 2005

FILED #3  
ENV. APPEALS BOARD

IN RE: )  
)  
SUNOCO PARTNERS MARKETING )  
& TERMINALS, LP )  
Underground Injection Control (UIC) )  
Permit No. MI-163-3G-A002 )  
)  
)  
)  
)

Appeal No. UIC 05-01

**MOTION FOR EXTENSION OF TIME TO RESPOND TO PETITION FOR REVIEW**

U.S. EPA Region 5 ("the Region") hereby moves the Environmental Appeals Board ("the Board") for a thirty day extension of time, until September 15, 2005, to submit a response to the Petition for Administrative Review filed in response to the Region's issuance of a Class III Underground Injection Control Permit (Permit No. MI-163-3G-A002<sup>1</sup>) to Sunoco Partners Marketing & Terminals, LP ("Sunoco"). On August 5, 2005, William C. Fulkerson, counsel for Petitioner Environmental Disposal Systems, Inc. ("EDS"), whose petition the Clerk of the Board docketed as Appeal number UIC 05-01, represented to me that he concurs with this extension request. EDS would not be prejudiced by this extension of time.

Appeal to the Board of Underground Injection Control permits issued by the Environmental Protection Agency is governed by 40 C.F.R. Part 124 ("Part 124"). While there are no regulatory requirements for motions filed in permit proceedings under Part 124, the

<sup>1</sup>Please note that the Petition for Administrative Review incorrectly identifies the Sunoco permit at issue in this matter as Permit No. MI-163-30-A002. The Board's July 19, 2005, correspondence to the Region carried over the incorrect permit number. The correct permit number is MI-163-3G-A002.

Environmental Appeals Board Practice Manual ("the Practice Manual") at section III(D)(7) recognizes that parties may make routine procedural motions like motions for extensions of time. ENVIRONMENTAL APPEALS BOARD, PRACTICE MANUAL (2004).

The Board forwarded EDS's petition to the Region on July 19, 2005, requesting any response seeking summary disposition of the petition in its entirety by no later than July 29, 2005, and requesting responses not seeking summary disposition by no later than August 15, 2005. The Region received the Board's request for response on July 20, 2005.

The Region moves for an extension of the time allowed to respond to the petition. The Practice Manual at section III(D)(5) suggests that the Board typically allows permitting authorities forty-five days to file a response to a petition for review. Under the typical scenario outlined in the Practice Manual, and using the date the Region received the Board's request, the Region would have had until September 6, 2005,<sup>2</sup> to file its response.

The Region is not seeking summary disposition of the entirety of EDS's petition, but intends to respond to the merits of the petitions. EDS's petition raises a variety of issues for which the Region requires additional time to research and evaluate in order to effectively respond. In addition, some EPA personnel who will assist in preparing the response will not be available for periods of time due to scheduled time off. As a result, the Region respectfully requests that the Board grant an extension of thirty days to September 15, 2005, to submit a response to EDS's Petition for Administrative Review.

If this motion is granted, the Region intends to submit a response within the thirty day

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<sup>2</sup>The 45-day period from EPA's receipt of the Board's request would have ended on September 3, 2005, which is a Saturday. With the following Monday, September 5, being a Federal Holiday, the next regular business day would have been Tuesday, September 6.

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extension period requested, including a certified index of all documents in the administrative record and copies of the parts of the record pertaining to the matters raised in the petition.

Respectfully submitted,



Mony G. Chabria (Authorized to Receive Service)  
Associate Regional Counsel  
United States Environmental Protection Agency  
Region 5  
77 West Jackson Boulevard  
Chicago, Illinois 60604  
Phone 312-886-6842  
Fax 312-886-0747

Dated: August 5, 2005

CERTIFICATE OF SERVICE

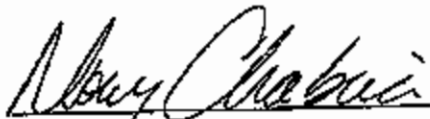
I hereby certify that the foregoing Motion for Extension of Time was sent on this the 5th day of August, 2005 in the following manner to the below addressees:

**By fax and Federal Express:**

U.S. Environmental Protection Agency  
Clerk of the Board, Environmental Appeals Board  
1341 G Street NW, Suite 600  
Washington, D.C. 20005  
Fax 202-233-0121

**By fax and first class mail:**

William C. Fulkerson  
Warner Norcross & Judd LLP  
900 Fifth Third Center  
111 Lyon Street, NW  
Grand Rapids, MI 49503  
Fax 616-222-2438



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