

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

In re:	)	
	)	
Jordan Development Co., LLC	)	UIC Appeal Nos. 18-06, 18-07,
UIC Well Grove #13-11 SWD	)	18-08 & 18-09
Gladwin County, Michigan	)	
	)	
UIC Permit No. MI-051-2D-0031	)	
	)	

**ORDER GRANTING REQUEST FOR EXCEEDANCE OF WORD LIMITATIONS**

By motion dated March 1, 2019, U.S. EPA Region 5 (“Region”) requests a 3000-word extension for its brief responding to four consolidated petitions for review filed in the above-captioned matter. The regulations provide that unless otherwise ordered by the Environmental Appeals Board (“Board”), petitions and response briefs may not exceed 14,000 words. *See* 40 C.F.R. § 124.19(d)(3). The Region’s motion requests that it be allowed to file a 17,000-word response brief to the consolidated petitions. *Opposed Motion for Extension of Word Count Limit (“Motion”)*. The Region points out that on December 13, 2018, the Board granted the Region’s request to consolidate the four petitions based on the circumstances in this matter and pursuant to 40 C.F.R § 124.19(n) (stating that the Board “may do all acts and take all measures necessary for the efficient, fair, and impartial adjudication of issues arising in an appeal”). *Motion* at 2-3. The Region further points out that if the petitions had not been consolidated, it would be filing 4 response briefs, with a total allowable word count of 56,000. *Id.* at 3. Acknowledging that two of the petitions present essentially the same arguments, the Region states that a 3000-word increase for a total of 17,000 words, will allow it to efficiently and appropriately address all the petitions. *Id.* The Motion represents that Petitioners oppose the

requested word limit extension for reasons such as EPA officials “must learn the art of brevity” and that “a mandatory reduction in word count is a natural consequence of Region 5’s motion to consolidate the four petitions.” *Id.*

The Board finds that given the Region’s representation, and under the circumstances presented here, where the Region has committed to responding to four petitions for review in a single response brief, and to write its brief economically while appropriately addressing each petition, a modest allowance of a 3000-word extension is warranted. See 40 C.F.R. § 124.19(d)(3). In fact, a word count of 17,000 is a significant reduction to the otherwise applicable word limits had the Region submitted four separate responses, and, along with the consolidation of the petitions, supports the efficient and fair adjudication of this matter. See 40 C.F.R. § 124.19(n).

Accordingly, the Region’s Motion is **GRANTED**. The Region’s response brief shall not exceed 17,000 words. In complying with the 17,000-word limitation, the Region shall calculate the number of words in its brief according to the instructions set forth in 40 C.F.R. § 124.19(d)(3).

So ordered.

Dated: March 6, 2019

ENVIRONMENTAL APPEALS BOARD

By:   
\_\_\_\_\_  
Mary Kay Lynch  
Environmental Appeals Judge

## CERTIFICATE OF SERVICE

I certify that copies of the foregoing **Order Granting Request for Exceedance of Word Limitations** in the matter of *Jordan Development Co., LLC*, UIC Appeal Nos. 18-06 to -09, were sent to the following persons in the manner indicated:

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Dated: **Mar 06 2019**



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