

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

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

**ORDER GRANTING MOTION FOR
 EXTENSION OF TIME TO FILE RESPONSE**

On February 1, 2019, Region 5 (“Region”) of the U.S. Environmental Protection Agency (“EPA”) filed a motion for extension of time to file a response to four pending petitions for review in the above-captioned case. *See* EPA Region 5, Opposed Motion for Extension of Time for Response (Feb. 1, 2019) (“Motion”). At present, the Region’s response is due on Monday, February 11, 2019. The Region requests thirty additional days, or until Wednesday, March 13, 2019, to submit its response. As reasons for the request, the Region references the recent month-long government shutdown, caused by a lapse in appropriations for EPA operations, and EPA employees’ concomitant inability to work on pending matters during that time.

The Region reports that, pursuant to 40 C.F.R. § 124.19(f)(2), it contacted each of the four petitioners via electronic mail to determine whether they would support or oppose the motion for additional time. Motion at 2. According to the Region, three of the four petitioners objected to the Region’s request and the fourth did not respond. The Region states that the objecting parties simply objected without specifying any basis therefor, or else they advanced broad themes, including a purported failure to meet allotted deadlines and a questioning of

EPA's ability to oversee underground injection wells when it "can't even bother to stay open." *Id.* at 3. The Region contends that these are not relevant reasons to oppose its request.

The Region rightly observes that, during the shutdown, it was prohibited from working on its response brief and from coordinating with EPA Headquarters employees in the Offices of General Counsel and Water. *See id.* Region 5 further states that upon return to work on Monday, January 28, 2019, the attorney assigned to this case now faces multiple and competing time-sensitive workload demands. The Region reports that it has begun consultations on this case with Headquarters and both the Office of General Counsel and the Office of Water agree with the request for an extension to file a response brief in this case. *Id.*

Under the regulations governing permit appeals, the Environmental Appeals Board may, for good cause, grant extensions of time to the filing requirements prescribed by the applicable regulations. 40 C.F.R. § 124.19(n). In light of the Region's inability to work during the government shutdown and its prompt attention to this matter in the first week of its return to work after the shutdown, which involved outreach to multiple petitioners and EPA Headquarters attorneys, and in the absence of any countervailing factors, the Environmental Appeals Board finds good cause to grant the extension request. The Region has not missed deadlines in this case. In fact, the Board previously established deadlines in this case and the Region has timely requested an extension commensurate with the period it was prevented from working on this matter.

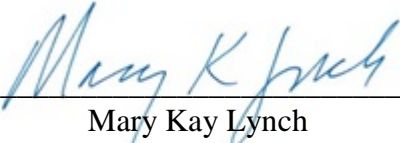
Accordingly, for good cause shown, the Board **GRANTS** the Region's motion. The response brief must be filed with the Board on or before **Wednesday, March 13, 2019**. In addition, to the extent that permittee Jordan Development Co., LLC, wishes to participate in this

matter, its deadline to file a notice of appearance and a response is similarly extended to
Wednesday, March 13, 2019.

So ordered.

ENVIRONMENTAL APPEALS BOARD

Dated: **Feb 05 2019**

By: 
Mary Kay Lynch
Environmental Appeals Judge

CERTIFICATE OF SERVICE

I certify that copies of the foregoing **Order Granting Motion for Extension of Time to File Response** 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: Feb 05 2019


Eurika Durr
Clerk of the Board