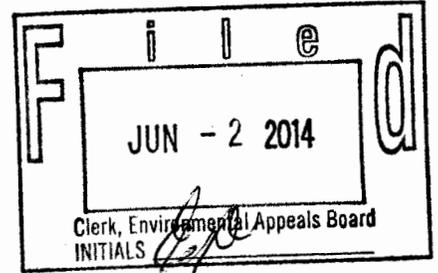


**BEFORE THE ENVIRONMENTAL APPEALS BOARD
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, DC**



_____))
In re:))
West Bay Exploration Co.) UIC Appeal No. 14-66
))
UIC Permit No. MI-075-2D-0010))
_____))

**ORDER GRANTING EXTENSION OF TIME TO FILE
RESPONSE TO PETITION FOR REVIEW**

On May 22, 2014, Region 5 of the United States Environmental Protection Agency (“the Region”) requested an extension of time until July 11, 2014, to file its response to Mr. Peter Bormuth’s petition for review of Underground Injection Control (“UIC”) Permit No. MI-075-2D-0010. This UIC permit was granted to the West Bay Exploration Company of Traverse City, Michigan (“West Bay”), and authorizes a well described as Haystead #9 SWD. The Region’s response to the petition is due on June 9, 2014. *See* 40 C.F.R. § 124.19(b)(2) (requiring filing of the Region’s response to a petition for review within 30 days of the filing of the petition). Mr. Bormuth has filed an opposition to the Region’s request.

The Region argues that it needs additional time to respond to Mr. Bormuth’s petition because of the loss of a large number of employees to retirement. In opposition, Mr. Bormuth asserts that he would be prejudiced by an extension of time because the Region has already had sufficient time to develop a response to his permit challenge. Mr. Bormuth also claims to have

been prejudiced by the Region's actions in a separate permit proceeding.

The Board hereby grants the request for an extension of time until July 11, 2014, for the Region to file its response to Mr. Bormuth's petition. The loss of experienced personnel alone is enough to support an extension request absent some prejudice to Mr. Bormuth. And Mr. Bormuth has not made any credible claims of prejudice. In his petition, Mr. Bormuth is challenging the legality of the Region's approval of the permit. He argues that the proposed underground injection well may, if constructed, contaminate drinking water and harm endangered species. But the grant of an extension to the Region will not contribute to these alleged harms because Mr. Bormuth's filing of a petition for review has prevented West Bay, at least until the conclusion of the proceedings before EPA, from constructing or operating the proposed injection well, Haystead #9 SWD. *See* 40 C.F.R. § 124.16(a)(1) (If a petition for review of a permit for a new UIC well is filed, the permit applicant "shall be without a permit for the proposed * * * injection well * * * pending final agency action."). Mr. Bormuth's claim regarding the Region's actions in a separate permit proceeding are irrelevant to whether an extension of time for the Region to file its response in this proceeding would prejudice Mr. Bormuth.

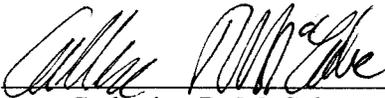
Finally, the Board notes that Mr. Bormuth, in his opposition to the Region's extension request, repeatedly engages in gratuitous, personal attacks on Sandra K. Yerman, another petitioner in this proceeding. Petitioner Peter Bormuth's Response to EPA Region 5 Motion For An Extension of Time to File A Response To Petition For Review UIC 14-66, at 3-4 (referring to Sandra K. Yerman as "Christian scum"). Under its authority "to take all measures necessary for the efficient, fair, and impartial adjudication of issues arising in an appeal," 40 C.F.R. § 124.19(n), the Board hereby puts Mr. Bormuth on notice that, in the future, it will summarily

reject pleadings containing such language.

So ordered.

Dated: *June 2, 2014*

ENVIRONMENTAL APPEALS BOARD¹

By: 
Catherine R. McCabe
Environmental Appeals Judge

¹ The three-member panel deciding this matter is composed of Leslye M. Fraser, Catherine R. McCabe, and Kathie A. Stein.

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing **Order Granting Extension of Time to File Response to Petition for Review** in the matter of West Bay Exploration Co., UIC Appeal No. 14-66 were sent to the following persons in the manner indicated:

By U.S. First Class Mail:

Peter Bormuth
142 W. Pearl St.
Jackson, MI 49201

Sandra K. Yerman
6600 Riverside Rd.
Brooklyn, MI 49230

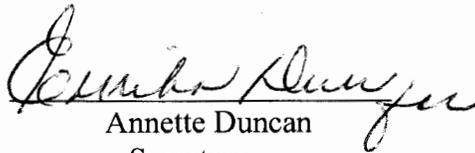
Timothy Brock
West Bay Exploration Company
13685 South West Bay Shore Dr.
Suite #200
Traverse City, MI 49684

By Pouch Mail:

John P. Steketee
Associate Regional Counsel
U.S. EPA, Region 5 (C-14J)
77 W. Jackson Blvd.
Chicago, IL 60604

Dated:

June 6, 2014


Annette Duncan
Secretary