

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

	)	
In re:	)	
	)	
Muskegon Development Company	)	UIC Appeal No. 19-02
	)	
UIC Permit No. MI-035-2R-0034	)	
	)	

**ORDER GRANTING MOTION FOR LEAVE TO FILE SURREPLY AND  
 REGARDING FURTHER BRIEFING**

On October 25, 2019, Mr. Emerson J. Addison III filed a document with the Environmental Appeals Board (“Board”) captioned “Petition for Review and Petitioner Response to EPA Revised Response to Comments on Draft Class II Permit in Clare County, Michigan, Issued to Muskegon Development Company (Permit No. MI-035-2R-0034), Holcomb 1-22 Well” (“Petition for Review”). The Board issued an order to show cause why the Petition for Review should not be dismissed for lack of jurisdiction. Mr. Addison timely filed a response to the order to show cause and U.S. Environmental Protection Agency, Region 5 (“Region 5”) timely filed a reply to Mr. Addison’s response. On December 2, 2019, Mr. Addison filed a motion for leave to file a surreply to address Region 5’s reply. Mr. Addison included a surreply with his motion. Mr. Addison represents that Region 5 and Muskegon Development Company oppose his motion for leave to file a surreply.

To facilitate resolution, the Board **GRANTS** Mr. Addison’s motion to file a surreply and accepts Mr. Addison’s surreply for filing. The Board will address the issues raised in this matter in its final decision.

Finally, on November 25, 2019, Region 5 filed its Response brief to Mr. Addison’s October 2019 Petition for Review. Under the applicable regulations, Mr. Addison, as petitioner,

may file a reply to the Region's response to his Petition for Review, if he wishes to do so (such filing is not mandatory). 40 C.F.R. § 124.19(c)(2). If Mr. Addison chooses to file a reply brief, he must do so on or before **Tuesday, December 10, 2019**, and may not raise new issues or arguments in the reply. *Id.*

So ordered.

**ENVIRONMENTAL APPEALS BOARD**

Dated: December 4, 2019

By: \_\_\_\_\_

A handwritten signature in blue ink, appearing to read 'A. Avila', is written over a horizontal line.

Aaron P. Avila  
Environmental Appeals Judge

**CERTIFICATE OF SERVICE**

I hereby certify that copies of the foregoing **Order Granting Motion for Leave to File Surreply and Regarding Further Briefing** in the matter of *Muskegon Development Company*, UIC Appeal No. 19-02, were sent to the following persons in the manner indicated:

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Date: Dec 04 2019

  
Eurika Durr  
Clerk of the Board