



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

In re:
Panoche Energy Center, LLC
UIC Permit No. R9UIC-CA1-FY17-2R
UIC Appeal No. 22-01^1

ORDER GRANTING JOINT MOTION FOR EXTENSION OF TIME

On October 28, 2022, Panoche Energy Center, LLC ("Petitioner") filed a petition seeking review of certain conditions of an Underground Injection Control ("UIC") permit issued by U.S. Environmental Protection Agency, Region 9 ("Region"). On November 10, 2022, the parties filed a joint motion requesting an extension of time for the Region to file its response to the petition (including the certified index and relevant portions of the administrative record) from November 28, 2022, to December 23, 2022, as well as an extension to January 31, 2023, for Petitioner to file a reply to the Region's response. Joint Motion for Extension of Time at 1-3 (Nov. 10, 2022). The parties also request that any amicus brief be filed by the date Petitioner's reply brief is due. Id. at 1, 3.

In support, the motion explains that the petition "raises a substantively complex, distinct, and varied range of issues, including important legal and policy questions turning on interpretation of the Safe Drinking Water Act and its implementing regulations" that requires consultation and coordination between the Region and EPA's Office of General Counsel. Id. at 1. And Petitioner requests an extension of time to file a reply brief "because of the complexities involved in drafting the reply brief and long-planned absences during the winter holidays." Id. at 2.

^1 The appeal number has been corrected to UIC Appeal No. 22-01, instead of SDWA Appeal No. 22-01. The parties should use the corrected appeal number in future filings.

Based on the representations in the motion, the Environmental Appeals Board (“Board”) hereby **GRANTS** the joint motion for extension of time. *See* 40 C.F.R. § 124.19(f)(6), (n). The Region’s response, along with a certified index and relevant portions of the administrative record, must be filed on or before **Friday, December 23, 2022**. *See id.* § 124.19(b)(2). If Petitioner chooses to file a reply brief, the reply brief must be filed on or before **Tuesday, January 31, 2023**. *See id.* § 124.19(c)(2). Additionally, if they choose to participate, States or Tribal authorities where the permitted facility is located must file a notice of appearance and a response to the petition with the Board on or before **Friday, December 23, 2022**. *See id.* § 124.19(b)(4). If any interested person chooses to file an amicus brief, that brief must be filed with the Board on or before **Tuesday, January 31, 2023**. *See id.* § 124.19(e). All of these adjustments to filing dates are made pursuant to 40 C.F.R. § 124.19(n), and all responses and replies must comply with length and other requirements of 40 C.F.R. § 124.19.

Pursuant to 40 C.F.R. § 124.19(i)(3)(iii), the Board may use electronic mail (Clerk_EAB@epa.gov) to serve orders and decisions in this matter at the addresses the parties provided. Additionally, the Board has authorized all parties in permit appeals to use email to fulfill their service obligations under 40 C.F.R. § 124.19(i)(3)(ii). *See Env’t Appeals Bd., U.S. EPA, Revised Order Authorizing Electronic Service of Documents in Permit and Enforcement Appeals* (Sept. 21, 2020). The parties shall promptly notify the Board and the other parties of any change to their email address. The parties should continue to use the Board’s electronic filing system for filing all documents in this appeal.

So ordered.

Dated: Nov 15, 2022

ENVIRONMENTAL APPEALS BOARD

By:  _____

Aaron P. Avila
Environmental Appeals Judge

CERTIFICATE OF SERVICE

I certify that copies of the foregoing *Order Granting Joint Motion for Extension of Time* in the matter of Panoche Energy Center, LLC, UIC Appeal No. 22-01, were sent to the following persons in the manner indicated.

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Dated: Nov 15, 2022



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