



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

ORDER REQUESTING CLARIFICATION FROM U.S. ENVIRONMENTAL PROTECTION AGENCY REGION 9

The Environmental Appeals Board ("Board") has determined that clarification from U.S. Environmental Protection Agency Region 9 ("Region") would assist the Board's consideration of this appeal. Accordingly, the Board directs the Region to provide the following clarifications with respect to the administrative record. See generally 40 C.F.R. §§ 124.9, .17(b), .18.

Panoche Energy Center ("PEC") states that with regard to plugging records, it "provided CalGEM records for each abandoned well in the [area of review] AoR," and that these records were sent via compact disc to EPA. PEC Reply Brief at 4 n.2 (Jan. 31, 2023). PEC further states that those records are not included in the administrative record, and that it "has asked EPA to complete the [a]dministrative [r]ecord with these records." Id.

The Board directs the Region to:

- 1. Clarify whether these records are included in the administrative record for this permit; provide a citation to the Certified Index of the Administrative Record ("A.R. Index") that reflects their inclusion; or, if they are not included, explain why they are not included; and

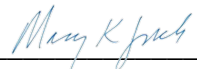
2. Provide an updated A.R. Index with any corrections, if necessary, to reflect a complete and accurate administrative record index.

The Region's response to this Order must be filed and served on or before **Friday, February 24, 2023.**

So ordered.

**ENVIRONMENTAL APPEALS BOARD**

Dated: Feb 17, 2023

By:   
Mary Kay Lynch  
Environmental Appeals Judge

**CERTIFICATE OF SERVICE**

I certify that copies of the foregoing *Order Requesting Clarification from U.S. Environmental Protection Agency Region 9* in the matter of Panoche Energy Center, LLC, UIC Appeal No. 22-01, were sent to the following persons in the manner indicated:

**By Email:**

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Dated: Feb 17, 2023

*Emilio Cortes*

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Emilio Cortes  
Clerk of the Board