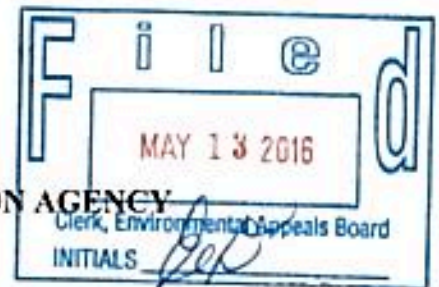


ENVIRONMENTAL APPEALS BOARD
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C.



In re:)

Savoy Energy, L.P.)

UIC Permit No. MI-091-2D-0004)

) UIC Appeal Nos. 16-01, 16-02, & 16-03

ORDER DIRECTING REGION TO CLARIFY MOTIONS FOR VOLUNTARY REMAND

In March 2016, the U.S. Environmental Protection Agency, Region 5 ("Region") issued an Underground Injection Control ("UIC") permit, Number MI-091-2D-0004 ("Permit"), to Savoy Energy, L.P. The UIC permit is a Class II permit for injection of fluids produced in association with oil and gas production. The Board has received three petitions for review of the permit from the Raisin Charter Township (UIC Appeal No. 16-01), the River Raisin Watershed Council (UIC Appeal No. 16-02), and Summerville Township (UIC Appeal No. 16-03).

On May 4, 2016, the Region filed motions¹ requesting a voluntary remand of the UIC permit "in order for the Region to hold a public hearing, and ensure that the substantive and procedural requirements of 40 C.F.R. parts 124, 144, and 146 have been met." Motions at 1. The Region states further that, "[u]pon review of the record, the Region has determined that comments requesting a public hearing were not fully addressed during the permitting decision

¹ The Region filed three motions seeking voluntary remand captioned with the three appeal numbers listed above. Except for the names of the parties the Region contacted to determine if they concurred, the motions are identical. See Motion of EPA Region 5 for Voluntary Remand for UIC Appeal Nos. 16-01, 16-02, and 16-03. For simplicity, unless otherwise indicated, the Board will refer to these motions collectively as "Motions."

process. The Region now wishes to cure this defect by holding a public hearing, after which the Region will decide whether to reissue the permit with a supplemental response to comments, draft a new permit for public comment, or deny the permit.” Motions at 2.

Although the Region does not explicitly state the effect of the requested voluntary remand of the UIC permit, the Motions cite to 40 C.F.R. § 124.19(j), authorizing the Region to unilaterally withdraw a permit within 30 days after the Region files a response to a petition for review and prepare a new draft permit under 40 C.F.R. § 124.6. See Motions at 2. The Board thus reads the Region’s Motions as expressing an intent to withdraw the UIC permit and to issue a new permit decision at the conclusion of the public hearing, consistent with the Part 124 permitting regulations. The Board directs the Region to file by May 20, 2016, a supplemental statement in support of its Motions either (i) confirming that the Board is correct in its reading of the Region’s Motions, or (ii) clarifying how it intends to proceed if its Motions are granted and explaining how its approach comports with the Part 124 permitting regulations.

So ordered.

ENVIRONMENTAL APPEALS BOARD

Dated: May 13, 2016

By: Kathleen Stein for Mary Beth Ward
Mary Beth Ward
Environmental Appeals Judge

CERTIFICATE OF SERVICE

I certify that the foregoing Order Directing Region to Clarify Motions for Voluntary Remand in the Matter of Savoy Energy, L.P., UIC Appeal Nos 16-01, 16-02, and 16-03, were sent to the following parties in the manner indicated below:

Via Pouch Mail:

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Dated: May 13, 2016


Annette Duncan, Secretary
U.S. Environmental Protection Agency
Environmental Appeals Board