



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

MAY 29 2009

Robert A. Kaplan, Regional Counsel
Office of Regional Counsel
U.S. EPA, Region 5
77 West Jackson Boulevard
Chicago, IL 60604-3507

ENVIRONMENTAL APPEALS BOARD

Re: Presidium Energy, LC (Lautner #B3-31 SWD)
Permit Number: MI-089-2D-0004
Appeal Number: UIC 09-01 and UIC 09-02

Dear Mr. Kaplan:

This is to advise you that the Environmental Appeals Board received on May 18, 2009, a petition filed by Terry Novak (UIC 09-01) and Linda Novak (UIC 09-02), asking the Environmental Appeals Board to review a permit determination issued by the United States Environmental Protection Agency, Region 5 in this case.

A copy of the petition can be found on the Board's website at http://yosemite.epa.gov/oa/EAB_Web_Docket.nsf/f22b4b245fab46c6852570e6004df1bd/0de485f1fbe0c778852575c2005572d7!OpenDocument listing all the documents filed in the case. If you have any difficulty accessing these documents, please let me know.

To assist the Environmental Appeals Board in deciding whether the matters raised by petitioners should be reviewed, please have your staff prepare a response that addresses the petitioners' contentions and whether petitioners have satisfied the requirements for obtaining review under 40 C.F.R. §124.19(a). Include relevant portions of the administrative record with the response, together with a certified index of the entire administrative record. Please file an original (signed in blue ink) and two copies of these materials no later than July 14, 2009, and send a copy of the response and the certified index to petitioners with a certificate of service showing the date and method of service.¹

¹The Environmental Appeals Board has an innovative system that allows parties to submit copies of documents, including exhibits, electronically in PDF. Instructions on registration and document submission, are available by using the "Electronic Submission" link on the Board's website. Please note that, at the present time, electronic submissions will not be considered a substitute for filing an original document with the Clerk of the Board. The Clerk of the Board still must actually receive the original document by the document's due date in order for it to be timely filed. However, Agency offices and private parties that use this system for

All documents, including the materials due July 14, 2009 must reference the appeal number. **IMPORTANT:** In addition, any envelope or other packaging containing documents sent to the Environmental Appeals Board's mailing address or hand-delivery address, as prescribed below, must bear a complete and accurate return address in the upper left hand corner. The envelope or packaging must also clearly state the case name and appeal number in the lower left hand corner.

All documents that are sent through the U.S. Postal Service, Express Mail, hand-delivered, via courier must include the name of the organization, address, facsimile number, telephone number, and an email address, if available.

Documents that are sent through the U.S. Postal Service (except by Express Mail) **MUST** be addressed to the Environmental Appeals Board's mailing address which is:

U.S. Environmental Protection Agency
Clerk of the Board
Environmental Appeals Board 1103B
Ariel Rios Building
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460-0001

Documents that are sent to the Environmental Appeals Board's hand-delivery address (below) through the U.S. Postal Service (except by Express Mail) will be returned to the sender and shall not be considered as filed.

Documents that are hand-carried in person, delivered via courier, mailed by Express Mail, or delivered by a non-U.S. Postal Service carrier (e.g., Federal Express or UPS) **MUST** be delivered to:

U.S. Environmental Protection Agency
Clerk of the Board
Environmental Appeals Board
1341 G Street, N.W. Suite 600
Washington, D.C. 20005

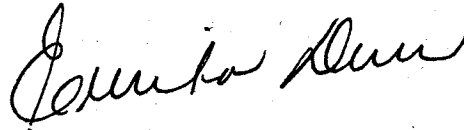
Documents that are hand-carried may be delivered to the Clerk of the Board from 8:30 a.m. to 12:00 p.m. and 1:00 p.m. to 4:30 p.m., Monday through Friday (excluding federal holidays).

A copy of this letter is being sent to the petitioners as notification of these filing requirements.

submitting electronic copies will be excused from the requirement to submit multiple paper copies with their original filing.

Thank you for your attention to these matters.

Sincerely,

A handwritten signature in cursive script, appearing to read "Eurika Durr".

Eurika Durr
Clerk of the Board

cc: Terry Novak
8353 Boca Vista Trl
Traverse City, MI 49684

Linda Novak
8353 Boca Vista Trl
Traverse City, MI 49684

Rebecca L. Harvey, Branch Chief
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