

JUNE 12, 2013

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~~BY FAX: 202-238-0121~~
✓ BY FIRST CLASS MAIL

2013 JUN 17 PM 1:49

ENVIR. APPEALS BOARD

NOTICE TO ALL CONCERNED OF AN INCORRECT/INCOMPLETE RECORD

RE: UIC APPEAL NOS. 13-1 AND 13-2

RE: WEST BAY EXPLORATION CO., WEST BAY # 22
JACKSON, MI UIC PERMIT NO. MI-075-20-0009.

① UNDER INDEX OF FILINGS (ON PAGE 2 OF 2):

FILINGS NO. #11 AND #14 ARE A DOUBLE-ENTRY OF MY
APR. 19, 2013 "MOTION FOR CLARIFICATION AND REQUEST FOR EXPLANATION."
SOMEONE @ THE EAB PUT "Pg. II OF II" AS A TOP AND BOTTOM PAGE
FOR A FALSE APR. 24, 2013 ENTRY - #14, I NEVER MADE!

EAB - ASK THIS Q.: WHY WOULD I EVEN BE MAKING "A RESPONSE
TO THE PETITION FOR REVIEW" (A FALSE HEADING ON A FALSE ENTRY
ON APR. 24, 2013 - 8 DAYS AFTER BOTH OUR PETITIONS WERE "MOTED")
KRIS VEZNER (REG. S. ASSOCIATE COUNSEL) AND POOJA PARIKH
(ATTORNEY ADVISOR - OGC @ EPA) BOTH JOINTLY USED THIS FALSE/
DUPLICATE ENTRY - #14 DATED APR. 24, 2013, AS THE BASIS FOR
THEIR JOINT FALSE ASSERTION THAT I FILED 3 MOTIONS W/ THE EAB
I DID NOT; I FILED AN APR. 19, 2013 MOTION, AND APR. 22, 2013 MOTION
DID THEY READ THIS FALSE ENTRY - #14 BEFORE THEIR "RESPONSE
TO MOTIONS FOR RECONSIDERATION," DATED MAY 6, 2013?

REQUEST TO EAB/FOIA OFFICER: PLEASE REMOVE THIS FALSE
ENTRY - #14 UNDER INDEX OF FILINGS FROM THAT RECORD; THE FILE.

② THE REGIONAL ADMINISTRATOR (RA) MADE A "MISTAKE OF LAW
OR FACT" IN HER AVOIDANCE OF THE NEW RULE: 40 CFR 124.19(b)(2),
WHICH TOOK EFFECT MAR. 26, 2013:

b)(2)... THE (RA) MUST FILE A RESPONSE TO THE PETITION, A CERTIFIED
INDEX OF THE ADMINISTRATIVE RECORD AND RELEVANT PORTIONS OF THE
ADMIN. RECORD WITHIN 30 DAYS AFTER THE FILING OF A PETITION. (E.C.F.R.

THE RA AND/OR REG'S COUNSEL ROBERT KAPLAN DID NOT DO THE NECESSARY "RESPONSE TO THE PETITION." THIS VIOLATION OF TITLE 40 LAW, BECAME EVIDENT AND ACTUAL ON APR. 8, 2013, WHEN THE RA WITHDREW THE VIC PERMIT NO. MI-075-2D-0009 W/O FIRST RESPONDING TO MY VIC PETITION NO. 13-2.

THE RA MADE ANOTHER "MISTAKE OF LAW OR FACT" WHEN SHE INCORRECTLY APPLIED 40 CFR 124.19(j) TO THAT VIC PERMIT WITHDRAWAL, WITHOUT HAVING FIRST DONE A RESPONSE TO MY PET.: (j): "...THE (RA) AT ANY TIME PRIOR TO 30 DAYS AFTER THE (RA) FILES ITS RESPONSE TO THE PETITION FOR REVIEW UNDER PARAGRAPH (b.) OF THIS SECTION, MAY, UPON NOTIFICATION TO THE (EPA) AND ANY INTERESTED PARTIES, WITHDRAW THE PERMIT..."

NOTE THESE WORDS: "... AFTER THE (RA) FILES ITS RESPONSE TO THE PETITION FOR REVIEW UNDER PARAGRAPH (b.)" - REFERRING TO PARAGRAPH (b)(2), BECAUSE (b)(1) REFERS TO A PSD PERMIT!

NOTHING COULD BE MORE CONCRETE THAN 40 CFR 124.19(b)(2) AND 40 CFR 124.19(j) BOTH REQUIRE A RESPONSE TO A PETITION DONE "PRIOR TO 30 DAYS AFTER" - IN (j)'S CASE!

NEITHER THE RA NOR REG'S COUNSEL RESPONDED TO MY PETITION, AND PETER BORMUTH'S PETITION WAS 42 DAYS OLD,

SO THE WITHDRAWAL OF VIC PERMIT NO. MI-075-2D-0009 IS INVALID - REQUIRING THE TERMINATION OF VIC PERMIT NO. MI-075-2D-0009 - AND NOT JUST ITS TEMPORARY WITHDRAWAL!

THIS LETTER WILL BE GOING TO THE INSPECTOR GENERAL ARTHUR A. ELKINS, JR. - WHO CAN ACCESS THE HELP OF THE FBI,

IF HE DEEMS THAT NECESSARY, TO PUT U.S. EPA EMPLOYEES UNDER OATH, AND ASK ANY APPROPRIATE QUESTIONS HE HAS - UNDER PENALTY OF PERJURY, BY THE RESPONDERS TO THOSE PERTINENT QUESTIONS! I BELIEVE THIS LETTER RAISES THE APPROPRIATE QUESTIONS.

UIC PETITIONS NOS. 13-1, 13-2

JUNE 12, 2013/4

SO WAS MS. MILLER'S SPARSE DEC. 6 2012 CERTIFIED RECORD INDEX TO BORMOUTH LEGITIMATE - OR FRAUDULENT DUE TO INTENTIONAL MISREPRESENTATION BY MS. MILLER, UNDER 40 CFR 124.19(b)(2)?

REQUEST: TO ~~ETAB~~ / FOIA OFFICER: PLEASE UPDATE YOUR INDEX OF FINDINGS AND CERTIFIED INDEX OF ADMIN. RECORDS: TO,

(A) INCLUDE CERTIFIED LETTER NO. 7009 1680 0000 7661 7321 IN YOUR INDEX OF FINDINGS, ASSIGNED A NO., AND APPROPRIATELY PLACED EITHER BEFORE / AFTER THE JAN. 14, 2013 LETTER TO REG. S. COUNSEL ROBERT KAPLAN, FROM ETAB.

(B) UPDATE CERTIFIED INDEX OF ADMIN. RECORDS TO INCLUDE THIS RELEVANT CERTIFIED LETTER (ABOVE) - SO EXTEND THE RECORDS UNTIL AT LEAST JAN. 14 2013, OR LATER. (FEB. 13, 2013?)

NOTE: IF YOU WOULD HAVE DONE THIS BORMOUTH WOULD HAVE KNOWN ABOUT MY APPEAL / PETITION (UIC NO 13-2) BEFORE THE APR. 8, 2013 WITHDRAWAL OF UIC PERMIT BY THE RA!

(5) LASTLY MY 40 CFR 124.5 REQUEST(S) / ADDENDUM TO, FOR THE REVOCATION, AND REISSUANCE, AND/OR TERMINATION OF UIC PERMIT NO. MI-075-2D-0009

WERE NOT INCLUDED IN THE ADMINISTRATIVE RECORDS.

I MADE BOTH THE ORIGINAL FEB. 11, 2013 REQUEST, AND THE FEB. 21, 2013 ADDENDUM TO REQUEST - TO THE RA - SUSAN HEDMAN, AND TO THE WATER DIV. DIRECTOR - TINKA HYDE;

NEVER GETTING ANY RESPONSE FROM EITHER, NOR REG. S. COUNSEL

HOWEVER, I DID FIND MY 40 CFR 124.5 WITHDRAWAL OF

REQUEST(S) / ADDENDUM TO, DATED APR. 8, 2013, UNDER THE COVER PAGE I FAXED, PREVIOUSLY REQUESTING A CERTIFIED INDEX OF THE ENTIRE ADMINISTRATIVE RECORDS, NOT UNDER FOIA.

FYI, MY 40 CFR REQUEST(S) ETC WERE OBLIQUELY RELATED

TO THE UEC PERMIT CONDITIONS - UNDER "II. PERMIT ACTIONS." I DID WRITE ABOUT IN MY UEC APPEAL NO. 13-2.

I WITHDREW MY PART 124.5 REQUEST(S) / ADDENDUM TO BECAUSE OF MISTAKES QUOTING APPLICABLE RULES AND NO.S; AND BECAUSE OF MISTAKES IN PHRASING RE: HAL FITCH AND/OR MDEQ.

IN ITS JAN. 17, 2013 ENVIRONMENT REPORT, NPR STATED (MIL) THAT HAL FITCH / AND/OR MDEQ ALLOWED THE SPRAYING OF 40,000 GALLONS OF FRACTURING FLUIDS ON DIRT, COUNTRY ROADS, LAST SUMMER, 2012... (SEE WWW.MICHIGANRADIO.ORG) I WANT THE INSPECTOR GENERAL TO QUESTION / TALK TO HAL FITCH RE: THIS INCIDENT, IF THE IG DEEMS THIS NECESSARY; WE HAVE MANY DIRT, COUNTRY ROADS IN THE NORWELL TWP / BROOKLYN, MI AREAS - ET AL!

SO AGAIN, EAB, FOIA OFFICER, GO BACK TO (1) AND (4) RE: MY EAB / FOIA REQUESTS, AND UPDATE THE RECORD ASAP!

I HAVE ALREADY SPOKEN TO POOJA PARIKH, ROBERT KAPLAN, (KRIS VEZNER'S SUPERIOR), STEPHEN MENDOZA (REG. SCOUNSEL UNDER KAPLAN) RE: WANTING TO MAKE A "MISAPRACTICE" COMPLAINT * AGAINST PARIKH AND VEZNER RE: THEIR JOINT-FAULTY STATEMENT(S) THAT I MADE 3 MOTIONS TO THE EAB RE: EAB "ORDER DISMISSING PETITIONS FOR REVIEW AS MOOT" - I MADE 2 MOTIONS. (* COMPLAINT TO THEIR STATE BAR ASSNS.) I NEED THAT APR 24 2013 FALSE DUPLICATE (OF APR. 19 2013) MOTION REMOVED FROM THE EAB FILES - ASAP!

ENCL. MAY 14, 2013 OIG HOTLINE
JAN 14 2013 CERT. LETTER
517-358-2315

Sandra K. Verman
SANDRA K. VERMAN
6600 RIVERSIDE RD
BROOKLYN, MI 49230



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, DC 20460

OFFICE OF
THE INSPECTOR GENERAL

May 14, 2013

Ms. Sandra K. Yerman
6600 Riverside Drive
Brooklyn, MI 49230

RE: Hotline Number 2013-156

Dear Ms. Yerman:

Thank you for your April 25, 2013, correspondence to the U.S. Environmental Protection Agency (EPA), Office of Inspector General (OIG), Fraud, Waste, and Abuse Hotline.

We assigned EPA OIG Hotline Number 2013-156 to document receipt of your information concerning the West Bay Exploration Co. UIC Permit No. MI-075-2D-0009. Information pertaining to your concerns has been forwarded to the US EPA, Office of Regional Counsel, Region 5, Chicago, IL. Following this review, a determination will be made as to the most appropriate course of action.

The OIG appreciates your interest in protecting human health and the environment. If you have additional questions, please do not hesitate to call me at (202) 566-2476. The address for the Hotline is 1200 Pennsylvania Avenue, NW, MC 2431T, Washington, D.C., 20460.

Sincerely,

A handwritten signature in black ink that reads "Clay M. Brown".

Clay M. Brown
Special Agent, Hotline Manager
Office of Investigations



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5

77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

REPLY TO THE ATTENTION OF MAILCODE :

WU-16J

JAN 14 2013

CERTIFIED MAIL 7009 1680 0000 7661 7321
RETURN RECEIPT REQUESTED

Ms. Sandra K. Yerman
6600 Riverside
Brooklyn, Michigan 59230

RE: U.S. EPA Underground Injection Control Permit # MI-075-2D-0009, West Bay #22, Jackson County Michigan

Ms Yerman:

We received your queries about the appeal process for the West Bay #22 injection well permit (referenced above). You may appeal the West Bay permit within 30 days of the notification date of the decision. The notification date in this case is January 9, 2013 because it is the date at the top of the document we sent to you via express mail on January 9, 2013.

You submitted comments on the draft West Bay #22 permit. You have now been sent a response to comments, which is also notification of EPA's final decision to issue this permit. The notification we sent you was dated and express-mailed to you. As described in 40 C.F.R. Part 124.19, "The 30-day period within which a person may request review under this section begins with the service of notice of the Regional Administrator's action unless a later date is specified in that notice." In your case, EPA contends that service of notice was January 9, 2013.

For further information, please refer to the response to comments, which includes information on how to appeal, and to 40 CFR § 124.19(a). Please note that this letter pertains only to the service of notice date for you and does not create a general extension of the appeal period for any other commenter.

I hope this information answers any questions about the timeframe for a permit appeal. If you have further questions please call me at (312) 886-7060 or contact me via email to miller.anna@epa.gov or fax to (312) 697-2049.

Sincerely,

A handwritten signature in black ink that reads "Anna Miller".

Anna Miller
Environmental Scientist
Underground Injection Control Branch

CERTIFICATE OF SERVICE

I HEREBY CERTIFY THAT COPIES OF THE FOREGOING -
NOTICE OF INCORRECT INCOMPLETE RECORD
IN THE MATTER OF UIC APPEALS NOS. 13-1 AND 13-2
RE: WEST BAY EXPLORATION CO, WEST BAY #22
WERE SENT TO THE FOLLOWING PARTIES, BY FIRST CLASS MAIL:

PETER BORMUTH
142 W. PEARL ST
JACKSON, MI 49201

WEST BAY EXPLORATION CO.
13685 SOUTH WEST BAY SHORE DR
SUITE #200
TRAVERSE CITY, MI 49684

ROBERT KAPLAN, REG. COUNSEL
KRIS P. VEZNER, ASSOCIATE
US. EPA REGION 5
77 W. JACKSON BLVD (C-145)
CHICAGO, IL 60604

SUSAN HEDMAN
REGIONAL ADMINISTRATOR
U.S. EPA REGION 5
77 W. JACKSON BLVD
CHICAGO, IL 60604

TINKA HYDE
WATER DIVISION
US EPA REGION 5
77 W. JACKSON BLVD
CHICAGO, IL 60604

✓ CLERK OF THE BOARD
US EPA - ETAB
MC 1103 M
1200 PENNSYLVANIA AVENUE
WASHINGTON DC, 20460-0001

JUNE 12, 2013

DATED:

Sandra K. Yerman
SANDRA K. YERMAN
PETITIONER UIC NO 13-2