

EMILIA DURK
CLERK OF THE BOARD
U.S. EPA E.A.B.

1200 PENNSYLVANIA AVE, N.W.
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COVER PAGE
RECEIVED
ADD TO U.S. E.P.A.
APR 19, 2013 FAX.

2013 APR 26 PM 12:03

ENVIR. APPEALS BOARD

APR 20, 2013

UIC APPEAL 13-2

RE: WEST BAY EXPL. CO.
JACKSON, ME W.B.#22
ME-075-20-0009
~~BY FAX 302-233-0121~~
BY 1ST CLASS MAIL

MOTION FOR CLARIFICATION AND REQUEST FOR EXPLANATION, RE:
"ORDER DISMISSING PETITIONS FOR REVIEW AS MOOT."

- DEAR MS. DURK, EAB THREE-MEMBER PANEL, ET AL:
- UNDER THE RULE, 40 CFR 124.19(i)(2), I AM FILING THIS MOTION BY FACSIMILE (APR. 19, 2013; W/COVER APR 20, 2013) AND FOLLOWING UP FILINGS BY 1ST CLASS MAIL; (AND TO ALL PARTIES). I DON'T HAVE PHONE #S FOR THOSE PARTIES; TIME LIMITS WILL NOT ALLOW ME TO CORRESPOND BY MAIL. THIS IS A TWO-PARTY MOTION.
- UNDER CLARIFICATION, I AM ATTEMPTING TO ALERT THE EAB-PANEL THAT THEY COULD BE COMPOUNDING ^{TO} A POTENTIAL PROCEDURAL ERROR (DONE BY RA/WATER DIV. DIR) RE: 40 CFR 124.19(j) (ON APR 8, 2013), WHEN THE EAB-PANEL THEN DISMISSES MY PETITION FOR REVIEW AS "MOOT" ON APR 16, 2013. IF THE RA/WDD. HAVE MADE A PROCEDURAL ERROR RE: 40 CFR 124.19(j), AND IF ANY OF THE PARTIES REVERSE THAT PERMIT WITHDRAWAL RULING - I WILL HAVE BEEN DEFACTO DEFRAUDED / DEUNFRANCHISED ETC OF MY RIGHT TO FILE AN APPEAL - A CIVIL RIGHT! AND/OR ANY OTHER RIGHT (IMHO).
- MY RELIEF SOUGHT - IF THIS WITHDRAWAL OF UIC PERMIT DOES GET REVERSED, BY ANY PARTY, I WANT MY UIC APPEAL NO 13-2 REINSTATED, OR I WANT THE EAB-PANEL TO WITHDRAW UIC PERMIT NO. ME 075-20-0009 BY ANY MEANS AVAILABLE.
 - UNDER REQUEST FOR EXPLANATION - SEE 2-PAGE MOTION, 2-CQ. I AM THANKING THE EAB-PANEL IN ADVANCE FOR THEIR CONSIDERATION, ALLOWING ME TO KEEP UP MY CIVIL RIGHTS (IF APPLICABLE)

Sandra K. Yerman
PETITIONER
6600 RIVERSIDE RD.
BROOKLYN, ME 49230
517-358-2315

U.S. EPA
ENVIRONMENTAL APPEALS BOARD
RE: WEST BAY EXPLORATION CO.
JACKSON, MI, WEST BAY #22
VIC PERMIT NO. MI-075-2D-0009.

APR. 19, 2013
BY FIRST CLASS MAIL
BY FAX 202-233-0121
VIC APPEAL NO 13-2
PAGE I.

TO THE EAB: (ETAL)

MOTION FOR CLARIFICATION, AND REQUEST FOR EXPLANATION RE:
"ORDER DISMISSING PETITIONS FOR REVIEW AS MOOT"

ON FRI. APR. 19, 2013, I RECEIVED, BY CERTIFIED LETTER
NO. 7003 1680 0000 5220 4930, FROM THE EAB THREE-MEMBER
PANEL, THE ABOVE "ORDER DISMISSING PETITIONS FOR
REVIEW AS MOOT." THIS CERTIFIED LETTER, DATED APR. 16, 2013,
FOLLOWED A PREVIOUS CERTIFIED LETTER, FROM THE WATER
DIVISION DIRECTOR - TINKA HYDE, DATED APR. 8, 2013,
I RECEIVED ON MON. APR. 15, 2013, WHICH WAS HEADED BY:
"WITHDRAWAL OF PERMIT BY REGIONAL ADMINISTRATOR
WEST BAY EXPLORATION COMPANY, JACKSON COUNTY MICHIGAN
PERMIT NUMBER: MI-075-2D-0009.
VIC APPEAL NOS. 13-01, 13-02."

AS HAPPY AS I WAS / AM TO SEE A WITHDRAWAL OF WEST BAY'S
VIC PERMIT, AS ABOVE, I AM TODAY WORRIED THAT THERE MAY
HAVE BEEN A PROCEDURAL ERROR DONE BY THE R.A. / WATER
DIV. DIRECTOR THAT WEST BAY'S COUNSEL / ATTORNEYS COULD
EASILY OVERCOME AND REVERSE - AND MY PETITION FOR REVIEW
WILL BE LEFT TWISTING-IN-THE-WIND AS "MOOT" - WITHOUT
EVER HAVING BEEN CONSIDERED BY THE EAB THREE-MEMBER
PANEL, ETAL! ? (BY THE WAY, THAT EX. COULD BE A VIOLATION
OF MY CIVIL RIGHTS, ETC. IN MY HUMBLE OPINION.) (IMHO.)
NOW, THE R.A. / W.D.D. (TOOK ITS / THEIR ACTION) UNDER 40 CFR.
124.19 (j), "WHICH ALLOWS THE RIA TO WITHDRAW A PERMIT
... AT ANY TIME PRIOR TO 30 DAYS AFTER THE R.A. FILES ITS

APR. 19, 2013

RE: WEST BAY EXPLORATION CO.
JACKSON, MI, WEST BAY #22
UIC PERMIT NO. MI-075-2D-0009.
(CONTINUED - PAGE II OF II)

BY FIRST CLASS MAIL
BY FAX 202-233-0121
UIC APPEAL NO. 13-2

RESPONSE TO THE PETITION FOR REVIEW...

RE: UIC APPEAL NO. 13-1, FROM THE FEB. 25, 2013 RESPONSE BY THE RIA, TIL THE APR. 8, 2013 WITHDRAWAL OF WEST BAY'S UIC PERMIT - 42 DAYS HAD ELAPSED MAKING THAT APPEAL EXAMPLE N/A TO THE 40 CFR 124.19(j) RULE.

RE: UIC APPEAL NO. 13-2, SINCE THERE WAS NO RESPONSE BY THE RIA, UP TIL APR. 8, 2013 WITHDRAWAL OF WEST BAY'S UIC PERMIT - 0 DAYS HAD ELAPSED, AND SINCE IT APPEARS "THE REGION (WAS REQUIRED TO FILE) ITS RESPONSE TO THE PETITION FOR REVIEW" - AND DID NOT - MY APPEAL EXAMPLE APPEARS TO BE N/A TO THE 40 CFR 124.19(j) RULE, ALSO, TELL ME IF I'M WRONG. THE EAB'S CERT. LETTER DATED APR. 16, 2013, GOES ON...

"(N)OTHING IN THIS REGULATION PREVENTS THE REGION FROM SEEKING TO WITHDRAW THE PERMIT BY MOTION AT ANY TIME." WAS THAT DONE?

Q. THEREFORE, I AM ASKING THE EAB, IS THERE ANY "MOTION" RE: A WITHDRAWAL OF UIC PERMIT NO. MI-075-2D-0009 IN EXISTENCE; AND IF THERE IS SUCH A "MOTION", I AM REQUESTING A PAPER COPY OF THAT "MOTION" TO WITHDRAW WEST BAY'S UIC PERMIT NO. MI-075-2D-0009, ASAP! FURTHER, THE EAB'S CERT. LETTER GOES ON... "AS PART OF ITS WITHDRAWAL OF THE PERMIT, THE REGION NOTIFIED... (YA-DA, YA-DA, YA-DA); BUT, IS THERE ANOTHER "PART(S)" THAT I DON'T HAVE? (EMPHASIS ADDED TO THE WORD - "PART.")

Q. I AM REQUESTING A PAPER COPY OF ALL "PART(S)" OF THE WITHDRAWAL OF UIC PERMIT NO. MI-075-2D-0009 DONE BY THE RA ET AL ON APR. 8, 2013 - A PAPER COPY! THANK YOU FOR YOUR CONSIDERATION RE: MY CIVIL RIGHT TO APPEAL!

Andria K. Yurman
PETITIONER

6600 RIVERSIDE RD
BROOKLYN, MI. 49230
517-358-2315

CERTIFICATE OF SERVICE

I HEREBY CERTIFY THAT COPIES OF THE FOREGOING - MOTION FOR CLARIFICATION, AND REQUEST FOR EXPLANATION OF "ORDER DISMISSING PETITIONS FOR REVIEW AS MOOT" IN THE MATTER OF WEST BAY EXPLORATION CO. VIC APPEAL NOS. 13-01 AND 13-02, WERE SENT TO THE FOLLOWING PERSONS BY FIRST CLASS MAIL:

PETER BOLMUTH
142 W. PEARL ST.
JACKSON, MI. 49201

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

KRIS P. VEZNER
ASST. REGIONAL COUNSEL, ETAL.
U.S. 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

TINEA HYDE, DIRECTOR
WATER DIVISION
U.S. EPA REGION 5
77 W. JACKSON BLVD
CHICAGO, IL 60604

~~EOLIKA~~
~~DUKOR~~
CLERK OF THE BOARD
U.S. EPA, E.A.B. AVE.
1200 PENNSYLVANIA NW
MAIL CODE 1103M
WASHINGTON, DC
20460-0001

APR. 19, 2013

DATED:

X Sandra K. Yerman
SANDRA K. YERMAN
PETITIONER