

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
ENVIRONMENTAL APPEALS BOARD

IN THE MATTER OF:)	APPEAL No. UIC 18-05
)	
MUSKEGON HOLCOMB CLASS II WELL PERMIT))	
)	
PERMIT NO. MI-035-2R-0034)	

**MUSKEGON DEVELOPMENT COMPANY’S
UNOPPOSED MOTION FOR EXTENSION OF TIME TO FILE A RESPONSE BRIEF**

The Permittee, Muskegon Development Company (“Permittee” or “Muskegon Development”), respectfully requests an extension of time in which to file a response brief to Appeal No. UIC 18-05. The extension would extend the date by which the Permittee must respond to the Petition for Review (“Petition”) filed by Mr. Emerson J. Addison III (“Petitioner”) from September 13, 2018 to October 22, 2018. As grounds for its motion, Muskegon Development states as follows:

1. On August 10, 2018, Petitioner filed with the Environmental Appeals Board (“EAB”) a Petition for Review of UIC Permit No. 1D0020842 issued to Muskegon Development. The Petition filed was assigned Appeal No. UIC 18-05.
2. Per 40 C.F.R. §124.19(b)(3), a permit applicant who did not file a petition but who wishes to participate in the appeal process must file a notice of appearance and a response to the petition. Such documents must be filed by the deadlines provided in paragraph (b)(1) or (2) of section 124.19. 40 C.F.R.§124.19(b)(2) provides that a permittee must file a response to a petition within 30 days after the filing of the petition.
3. Muskegon Development filed its appearance on August 29, 2018, which was accepted.
4. Muskegon Development must file a response to the Petition by September 13, 2018.
5. By unopposed motion dated August 21, 2018, the United States Environmental Protection Agency, Region 5 (“Region”) requested an extension of time in which to file its response to

the Petition from September 13, 2018 to October 15, 2018. The Region's motion was granted.

6. Muskegon Development is seeking an extension in which to file its response to the Petition from September 13, 2018 to October 22, 2018 in order that it may have sufficient time to prepare its response to the Petition, and to review the Region's response and revise its response to the Petition accordingly.
7. On September 4, 2018, counsel for Muskegon Development contacted the Region's counsel, Mr. Thomas P. Turner. Mr. Turner indicated that the Region did not object to this motion or the proposed due date for Muskegon Development's response brief to the Petition.
8. On September 4, 2018, counsel for Muskegon Development contacted the Petitioner, Mr. Emmerson Joseph Addison III. Mr. Addison indicated that he did not object to this motion or the proposed due date for Muskegon Development's response brief to the Petition. There are no other parties to this proceeding.
9. Muskegon Development can affirmatively attest that it has the concurrence of the Region and the Petitioner regarding this motion.
10. For these reasons, Muskegon Development requests that the EAB grant Muskegon Development's request for an extension on the time in which to file a response brief to the Petition from September 13, 2018 to October 22, 2018.

Kuhn Rogers PLC

Dated: September 5, 2018

/s/ Gina A.Bozzer
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CERTIFICATE OF SERVICE

I certify that the foregoing "Muskegon Development Company's Unopposed Motion for Extension of Time to File a Response Brief" was sent to the following persons, in the manner specified, on the date below:

By electronic filing & hard copy via US Mail to:

Clerk of the Board
U.S. Environmental Protection Agency
Environmental Appeals Board
1200 Pennsylvania Avenue, NW
Mail Code 1103M
Washington, DC 20460-0001

By electronic and U.S. Mail to:

Mr. Emerson Joseph Addison III
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Dated: September 5, 2018

Jill Hale

