

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

In the Matter of:)
)

Windfall Oil & Gas, Inc.)
)

UIC Permit No. PAS2D020BCLE)
)
_____)

UIC Appeal Nos. 14-04 through 14-62

REGION III'S MOTION FOR EXTENSION OF TIME TO FILE A RESPONSE

The United States Environmental Protection Agency (EPA) Region III (Region) respectfully requests an extension of time to file a response to these petitions for review and to submit the relevant portions of the record. The Region also seeks leave to file a response exceeding the word/page limitation of 40 C.F.R. §124.19(d)(3). As grounds for the motion, the Region states as follows:

1. On February, 2014, the Region issued a final permit to Windfall Oil & Gas, Inc. (Windfall) for an Underground Injection Control (UIC) Class II injection well.
2. Over fifty-five (55) petitioners have appealed the Windfall permit to the Environmental Appeals Board (EAB).
3. On March 24, 2014, the Board consolidated the petitions and ordered the Region to file a single consolidated response to all the petitions by April 18, 2014.

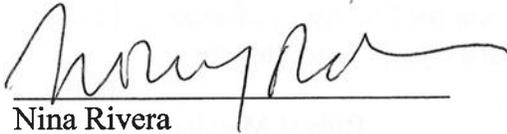
4. Although about forty of the petitions are nearly identical to two other particular petitions, there are at least ten different petitions. Some of these petitions are lengthy (including a single-lined thirty (30) page submission) and they raised detailed issues in their appeals. *See, e.g.*, Docket Nos.4, 6, 30, 39. While some of the issues are similarly raised by many of the petitions, the petitions also raise multiples distinct and complex technical issues. The Region cannot respond to all the different arguments raised by these different petitioners within the word or alternate page limit imposed by the regulations. The length and detail of the multiple petitions also makes it difficult to respond by the April 18 deadline.

5. The Region did not receive copies of several of these petitions, as several of the petitioners did not serve the Region with a copy. Neither has the Region received copies of the petition designations from Petitioners Duane Marshall and Travis Smith. Therefore the Region did not receive timely notice of several of the petitions before the Board.¹

6. For the reasons stated above, the Region requests an extension of four weeks to file a response, the certified index of the record and the relevant portions of the administrative record, by May 16, 2014. The Region also requests leave to a response exceeding the word and/or page limitation.

¹ The Region respectfully reminds all petitioners that the regulations governing permit appeals require that petitions be served on the Region and on the permit applicants. 40 C.F.R. §124.19(i)(3). All documents filed with the Board must be served on all other parties, and must include a certificate indicating service. 40 C.F.R. §124.19(i)(3) – (4). *Id.* This means that the petitioners need to mail copies to the Region when they file a document with the Board. Please note the address of the regional counsel under the signature line. The regulations also allow parties to agree to service by electronic means. The Region consents to service by email on this matter at rivera.nina@epa.gov. This means that petitioners can either mail or email the regional counsel copies of any documents they file with the Board.

Respectfully submitted,



Nina Rivera

Assistant Regional Counsel

U.S. Environmental Protection Agency, Region III (3RC20)

1650 Arch Street

Philadelphia, Pennsylvania 19103

Phone: (215) 814-2667

Fax: (215) 814-2603

Email: rivera.nina@epa.gov

CERTIFICATE OF SERVICE

I hereby certify that I delivered a copy of the foregoing Motion for Extension of Time to File a Response on the date specified below, by certified mail, return receipt requested to:

David Keith
1784 Galusha Road
Brockway, PA 15824
Nancy Moore
300 Green Ridge Drive
DuBois, PA 15801

James W. Mack
Norma S. Mack
74 Sunset Drive
DuBois, PA 15801

Helen Jenney
1252 Highland Street Ext.
DuBois, PA 15801

Barbara A. London
105 Olive Avenue
DuBois, PA 15801

Cecil E. Gelnett
831 Highland Street Ext.
DuBois, PA 15801

Joyce Greathouse
1197 Highland Street Ext.
DuBois, PA 15801

Ronald Greathouse
1197 Highland Street Ext.
DuBois, PA 15801

Vivian L. Marshall
111 W. Long Ave. Apt. 5E
DuBois, PA 15801

Nora Jenney
1222 Highland Street Ext.
DuBois, PA 15801

Dennis Marsh & Terry
Marsh 1379 Highland
Street Ext. DuBois, PA
15801

Ken Flanders & Bev
Flanders 128 #2 Shaft
Road
DuBois, PA 15801

Francis E. Hand
894 Highland Street Ext.
DuBois, PA 15801

Rosemary Frizzell
1359 Highland Street Ext.
DuBois, PA 15801

Terry Lawson
Carole Lawson 1042
Highland Street Ext.
DuBois, PA 15801

Ralph E. Hamby
270 Highland Street Ext.
DuBois, P A 15801

John Parsons
St. Michael's Terrace
111 W. Long Ave., Apt.
2K DuBois, PA 15801

Tom Nelen & Sue Nelen
152 #2 Shaft Road
DuBois, PA 15801

Beth Gilga
735 Shamokin Trail
DuBois, PA 15801

Robert Marshall
1154 Highland Street Ext.
DuBois, P A 15801

Ethel Marshall
1154 Highland Street Ext.
DuBois, P A 15801
Lorraine Shaddock
278 Reynoldsville
Sykesville Road
Reynoldsville, PA 15851

Rev. James Green
Sherry Green
815 Reynoldsville
Sykesville Road
Reynoldsville, PA 15851

Loretta Slattery
1079 Highland Street Ext.
DuBois, PA 15801

Valerie J. Powers
1235 Highland Street Ext.
DuBois, PA 15801

Duane Marshall
1070 Highland Street Ext.
DuBois, P A 15801

Darlene Marshall
1070 Highland Street Ext.
DuBois, P A 15801

Brady Township
Supervisors
P.O. Box 125
Luthersburg, PA 15848

City of DuBois
16 W. Scribner Avenue
DuBois, PA 15801

Diane Bernardo
8 Tower Lane
DuBois, PA 15801

Travis P. Smith
315 Gearhart Lane
DuBois, PA 15801

Attn: Counsel for
Marianne and Richard
Atkinson Emily A. Collins,
Esq. Oday Salim, Esq.
P.O. Box 7226
Pittsburgh, PA 15213-0221

Matt Gabler
PA House of
Representatives
150-B East Wing
P.O. Box 202075
Harrisburg, PA 17120-
2075

Sandy Township
Board of Supervisors
P.O. Box 267
DuBois, PA 15801

Barb Emmer
526 First Street
DuBois, PA 15801

Leslie Swope
310 Olive Avenue
DuBois, PA 15801

John Barr
1268 Tower Lane
Dubois, PA 15801

Sue Barr
1268 Tower Lane
Dubois, PA 15801

Judy Chewning
1707 Highland Street Ext.
DuBois, PA 15801

Jack Chewning
1707 Highland Street Ext.
DuBois, PA 15801

Monica A. Lockhart
1298 Highland Street Ext.
DuBois, PA 15801

Albert T. Marsh
1583 Highland Street Ext.
DuBois, PA 15801

Robert Wells
Pauline Wells
1640 Highland Street Ext.
DuBois, PA 15801

Shirley Wells
1625 Highland Street Ext.
DuBois, PA 15801

Reta Rice
1691 Highland Street Ext.
DuBois, PA 15801

Jonell Reay
544 Highland Street Ext.
P.O. Box 98
DuBois, PA 15801

Joan Spaffora
450 Spaffora Road
DuBois, PA 15801

Donna Gardner
111 W. Long Ave. Apt. 6P
DuBois, PA 15801

Sharlene J. King
2158 Longwell Road
Brockway, PA 15824

Harriet J. Moyer
366 Toby Road
Kerrey, PA 15846

Clearfield County
Commissioners
212 E. Locust Street
Clearfield, PA 16830

Randall R. Baird
1273 Highland Street Ext.
DuBois, PA 15801-4543

Stephen W. Way
1790 Kiwanis Trail
DuBois, P A 15801

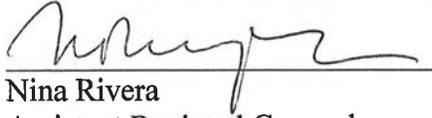
Ted Crytser & Rona
Crytser 1500 Highland
Street Ext. DuBois, PA
15801

John T. Hook
549 Highland Street Ext.
DuBois, PA 15801

Laurie Wayne
5498A Wayne Road
DuBois, PA 15801

Brady LaBorde
45 Piney Lane
DuBois, PA 15801

I also certify that I filed the original electronically with the Environmental Appeals Board.



Nina Rivera
Assistant Regional Counsel
U.S. Environmental Protection Agency, Region III
1650 Arch Street
Philadelphia, Pennsylvania 19103
Phone: (215) 814-2667
Fax: (215) 814-2603
Email: rivera.nina@epa.gov

Date: 4/9/14