

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
ENVIRONMENTAL APPEALS BOARD

In re: Environmental Disposal Systems, Inc.

UIC Appeal No. 07-03

Underground Injection Control Permits
MI-163-1W-C007 and MI-163-1W-C008

**SUPPLEMENT TO PETITIONERS' MOTION FOR LEAVE TO FILE A REPLY TO
THE ENVIRONMENTAL PROTECTION AGENCY'S RESPONSE TO
PETITION FOR REVIEW**

Petitioners, the Police and Fire Retirement System of the City of Detroit ("PFRS"), RDD Investment Corp. and RDD Operations, LLC ("RDD") (collectively, "Petitioners"), by and through their attorneys, Clark Hill PLC, respectfully submit this supplement to their February 6, 2008 Motion for Leave to File a Reply to the Environmental Protection Agency's ("EPA") Response to the Petitioners' Petition for Review, and state as follows:

1. Pursuant to the EAB Practice Manual, motions filed with the EAB shall include a statement as to whether the opposing party concurs or objects to the relief sought by the motion.
2. Pursuant to EAB Practice Manual and the direction of the Clerk of the Environmental Appeals Board ("EAB"), counsel for Petitioners contacted counsel for the EPA on February 11, 2008 via telephone to discuss whether the EPA concurred or objected to the relief sought in Petitioners' Motion for Leave to File a Reply to the EPA's Response to the Petitioners' Petition for Review of the Termination of the Underground Injection Control Permits MI-163-1W-C007 and MI-163-1W-C008 ("Petitioners' Motion").
3. During that telephone conversation, counsel for EPA indicated that it objects to the relief sought in Petitioners' Motion.

4. Petitioners provided the Clerk of the EAB with the information referenced in paragraph three via electronic mail on February 11, 2008. At the direction of the Clerk, Petitioners now file this written statement to supplement their Motion for Leave to File a Reply to the EPA Response to Petition for Review.

Therefore, for the reasons stated above, and pursuant to the EAB Practice Manual, Petitioners respectfully submit this supplement to their Motion for Leave to File a Reply to the EPA's Response to the Petition for Review, and request that the EAB accept this supplement for filing.

Respectfully submitted,

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Date: February 12, 2008