



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

AUG 2 ↑ 2018

By Electronic Mail and U.S. Mail

REPLY TO THE ATTENTION OF:
C-14J

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

Re: Muskegon Holcomb Class II Well Permit (MI-035-2R-0034) – Region 5's Unopposed Motion for Extension of Time to File Response Brief to Appeal No. UIC 18-05

Dear Clerk of the Board:

U.S. EPA, Office of Regional Counsel, Region 5, on behalf of Program Client, U.S. EPA, Region 5 Water Division, hereby submits an Unopposed Motion for Extension of Time to File Response Brief in the above referenced case.

Please feel free to contact me with any questions or comments.

Respectfully Submitted

A handwritten signature in blue ink, appearing to read "Thomas P. Turner".

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Of Counsel:

Pooja Parikh
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(202) 564-0839

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
ENVIRONMENTAL APPEALS BOARD

In the Matter of:

MUSKEGON HOLCOMB CLASS II
WELL PERMIT

Permit No. MI-035-2R-0034

)
)
) Appeal No. UIC 18-05
)
) EPA REGION 5'S UNOPPOSED
) MOTION FOR EXTENSION OF
) TIME TO FILE RESPONSE BRIEF
)
)

The United States Environmental Protection Agency, Region 5 ("Region") respectfully requests an extension of time in which to file its response brief to Appeal No. UIC 18-05. The extension would move the date by which the Region must respond to the Petition for Review ("Petition") filed by Mr. Emerson J. Addison III ("Petitioner") from September 13, 2018 to October 15, 2018. As grounds for the motion, the Region 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 the Muskegon Development Company of Mount Pleasant, Michigan ("Facility"). This Petition was assigned Appeal No. UIC 18-05.

EPA REGION 5's MOTION FOR EXTENSION-1

U.S. Environmental Protection Agency
Region 5, ORC, 77 W. Jackson Blvd., (C-14J)
Chicago, Illinois 60604
(312) 353-2000

2. Pursuant to 40 C.F.R. § 124.19(b)(2), “the Regional Administrator must file a response to the petition, a certified index of the administrative record, and the relevant portions of the administrative record within 30 days after the filing of the petition.” Therefore, the Region’s response brief and certified index of the administrative record is currently due on September 13, 2018.

3. Petitioner’s challenge to the Facility’s UIC permit raises an issue involving the question of application of Environmental Justice principles in permitting. This issue will require coordination with numerous offices at EPA Headquarters. In preparing this response to the Petition, the Region will need to consult and coordinate with appropriate personnel in the EPA Headquarters Office of General Counsel and Office of Water.

4. EPA Headquarters staff needed to review the response brief will be out of the office from August 22, 2018 to September 4, 2018.

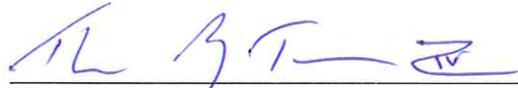
5. On August 20, 2018, in a phone conversation with the EPA regional attorney, Petitioner indicated that he did not object to this motion and the proposed due date for the response brief. There are no other parties to the proceedings.

6. As such, the Region can affirmatively attest that it has the concurrence of both the EPA Headquarters Office of General Counsel and Office of Water.

7. As such, the Region requests that the EAB grant an extension on the time to file response brief and certified index of the administrative record to October 15, 2018.

DATED: August 21, 2018

Respectfully Submitted



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EPA REGION 5's MOTION FOR EXTENSION-3

U.S. Environmental Protection Agency
Region 5, ORC, 77 W. Jackson Blvd., (C-14J)
Chicago, Illinois 60604
(312) 353-2000

CERTIFICATE OF SERVICE

I certify that the foregoing "EPA Region 5's Unopposed Motion for Extension of Time to File Response Brief" was sent to the following persons, in the manner specified, on the date below:

By electronic filing (and hard copy via U.S. 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
17210 Maple Hill Drive
Northville, MI 48168
emerson.addison@gmail.com

DATED: August 21, 2018



Thomas P. Turner
Assoc. Regional Counsel
EPA – Region 5