

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

In the Matter of:)
West Bay Exploration Co. of)
Traverse City, Michigan)
Haystead #9 SWD)
Permit No. MI-075-2D-0010)
Jackson County, Michigan)

Permit Appeal No. UIC 14-66

ENVIRONMENTAL APPEALS BOARD

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PETITIONER PETER BORMUTH'S RESPONSE TO EPA REGION 5 MOTION FOR AN EXTENSION OF TIME TO FILE A RESPONSE TO PETITION FOR REVIEW UIC 14-66

The Petitioner, Peter Bormuth, respectfully requests that the Environmental Appeals Board deny the EPA Region 5 Motion for a 34 day extension of time to file a response to the above-captioned Appeal (Petition for Review).

In support of this request to deny, the Petitioner states as follows:

1. After a public comment period that ended May 3, 2013, Region 5 issued a final permit to the Permittee, West Bay Exploration Co. for the Haystead #9 SWD on April 9, 2014 [Permit No. MI-075-2D-0010]. The Region simultaneously issued a Response to Public Comment document summarizing the Agency's responses to all public comments received on the proposed action. Permit writer Timothy Elkins and Region 5 took nearly one year to research and respond to comments.

2. On May 8, 2014 the Petitioner, Peter Bormuth of Jackson Michigan filed a Petition for Review with the EAB seeking review of the Haystead #9 Permit [EAB Appeal No. UIC 14-66].
3. The Petitioner was not given notice or informed that on May 14, 2014, an untimely Petition for Review was filed with the EAB by Christian scum Sandra K. Yerman of Brooklyn Michigan seeking review of the Haystead #9 Permit [EAB Appeal No. UIC 14-67].
4. The Petitioner has been through this dance before. After a public comment period that ended June 1, 2012, EPA Region 5 issued a Response to Comments document on an identical well, West Bay #22 [Draft Permit No. MI-075-2D-0009]. Region 5 EPA then issued the final permit on December 10, 2012. Petitioner then filed a timely Petition for Review on January 8, 2013 (UIC 13-01) containing virtually all of the same arguments of material fact as contained in his current Petition for Review [EAB Appeal No. UIC 14-66].
5. On February 13, 2013, 35 days after the effective date of January 9, 2013, the EPA & the EAB allowed Christian scum Sandra K. Yerman to file an untimely Petition for Review (UIC 13-02) on West Bay #22 [Draft Permit No. MI-075-2D-0009]. The Petitioner was never notified by Yerman, by the EPA Region 5, or by the EAB that this petition was filed.
6. On February 25, 2013 Region 5 Associate Regional Counsel Kris P. Vezner filed a Response to the Petitioner's Petition for Review UIC 13-01. On April 8, 2013 Region 5 Director Tinka Hyde sent the Petitioner a letter of notification of the withdrawal of Permit No. MI-075-2D-0009. This action was taken under the authority of 40 C.F.R. § 124.19(j), a new subsection replacing 40 C.F.R. § 124.19(d) under the final rule published in the Federal Register by the EPA on January 25, 2013 which went into effect on March 26, 2013.

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7. On April 16, 2013 the EAB issued an order Dismissing Petitions 13-01 and 13-02 for Review as Moot. On April 23, 2013 the Petitioner filed a Motion for Reconsideration under 40 C.F.R. §124.19(m). On May 29, 2013 the EAB issued an Order Denying Reconsideration
8. Making a pro se error of jurisdiction, on June 25, 2013 the Petitioner filed a complaint in U.S. District Court for the District of Columbia. Petitioner thereafter filed a motion to transfer the case to the Sixth Circuit Court of Appeals, which was granted on November 26, 2013. The Sixth Circuit docketed the Petition for Review as Case #13-4411 on December 4, 2013.
9. The Petitioner is prejudiced by this request for an extension of time. Region 5 has had over 2 years to respond to the Petitioner's arguments of material fact contained in EAB Appeal No. UIC 14-66. EPA Region 5 has the Response to the Petitioner's Petition for Review of UIC 13-01 filed by Region 5 Associate Regional Counsel Kris P. Vezner on February 25, 2013 to reference. Region 5 has the Response to Comment document for Haystead #9 SWD [Permit No. MI-075-2D-0010] issued on April 9, 2014 which permit writer Timothy Elkins took a year to meticulously prepare to reference. This is not a new argument to Region 5. If the EPA Region 5 is not currently ready to answer the Petitioner's arguments, they never will be, and this 34 day extension is completely prejudicial and unnecessary.
10. The Petitioner has been repeatedly prejudiced by EPA Region 5. They allowed Christian scum Sandra K. Yerman to file untimely comments on West Bay #22 [Draft Permit No. MI-075-2D-0009] on June 4, 2012. They allowed Christian scum Yerman to file an untimely Petition for Review (UIC 13-02) on West Bay #22 [Draft Permit No. MI-075-2D-0009] on

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February 13, 2013. They used Christian scum Yerman's Petition to withdraw the West Bay #22 well on April 8, 2013 without making the required Motion under the authority of 40 C.F.R. § 124.19(j). And now they want an extension of time????? The interests of justice demand that this extension be denied.

WHEREFORE the Petitioner, Peter Bormuth, for the forgoing reasons respectfully requests that the Region 5 Motion for an Extension of Time be denied.

Respectfully submitted,



Peter Bormuth

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Dated: May 24, 2014

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CERTIFICATE OF SERVICE

I, Peter Bormuth, do hereby certify that on May 24, 2014, I sent a copy of Petitioner's Response to EPA Region 5 Motion for Extension of Time to John P. Steketee, Associate Regional Counsel, U.S. EPA, Region 5 (C-14J), 77 West Jackson Blvd., Chicago, IL 60604-3590 by regular mail.

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Dated: May 24, 2014