

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

In re:

Montalban Oil and Gas Operations, Inc.

Permit No. MT52443-12513 and
MT52439-12514

UIC Appeal No. 26-02

EPA REGION 8'S RESPONSE TO MOTION TO REVIEW PETITION AS TIMELY

The U.S. Environmental Protection Agency (EPA) Region 8 (Region) hereby responds to Petitioner Angela Otero's Motion to Review Petition as Timely (Motion). The Region does not oppose the Motion.

The Region issued two final Class V Underground Injection Control Permits to Montalban Oil and Gas Operations, Inc. (Montalban) on May 1, 2026, and sent service of notice of the decisions to Petitioner on the same day. *See* Attachment A. While the filing deadline for an appeal would ordinarily be within 30 days after service of notice of the permit decision (40 C.F.R. § 124.19(a)(3); 40 C.F.R. § 124.20(c)), here by June 1, 2026, in this case the Region finds that it is reasonable to consider the Petition as timely.

Failure to file a petition with the Environmental Appeals Board by the deadline generally leads to dismissal of a petition on timeliness grounds. *In re MHA Nation Clean Fuels Refinery*, 15 E.A.D. 648, 657 (EAB 2012). However, because the Petitioner is pro se and unrepresented by counsel and submitted the Petition only approximately four minutes late, the Region does not oppose Petitioner's Motion.

Statement of Compliance With Word Limitations

In accordance with 40 C.F.R. § 124.19(f)(5), the undersigned attorneys certify that this Response to Motion to Review Petition as Timely contains fewer than 7000 words.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I certify that the foregoing EPA REGION 8 RESPONSE TO MOTION TO REVIEW PETITION AS TIMELY in the matter of Montalban Oil and Gas Operations, Inc., Appeal No. UIC 26- 02, was filed electronically with the Environmental Appeals Board's E-filing System and served by email on the following persons on June 8, 2026.

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