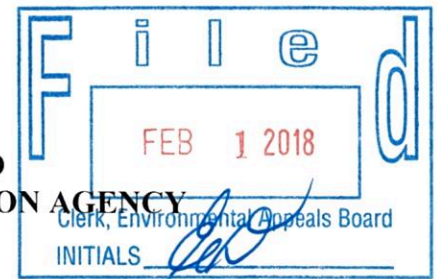


**ENVIRONMENTAL APPEALS BOARD
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C.**



In re:

West Bay Exploration Co., Haystead #9
SWD

Permit No. MI-075-2D-0010

)
)
) UIC Appeal No. 18-01
)
)
)

ORDER FOR ADDITIONAL BRIEFING

Petitioner Mr. Peter Bormuth has filed an informal appeal with the Board under 40 C.F.R. § 124.5(b), alleging “inaction” by U.S. Environmental Protection Agency, Region 5 (“the Region”) in addressing his written request for termination of a permit. Petitioner Peter Bormuth’s Informal Letter of Appeal Under 40 CFR 124.5, at 2 (Jan. 16, 2018). The permit in question was issued to the West Bay Exploration Company (“West Bay”) for an Underground Injection Control well designated as Haystead #9 SWD.

The Board requests that the Region file a response to Mr. Bormuth’s informal appeal that addresses the Petitioner’s contentions and whether the Petitioner has satisfied the requirements for obtaining review under 40 C.F.R. § 124.5(b). The Region’s response must be filed with the Board no later than Thursday, February 15, 2018. If the permittee, West Bay, wishes to file a response to the informal appeal, it must do so by the same date. Finally, if Mr. Bormuth wishes to file a reply to the Region’s and West Bay’s responses, he must do so by Monday, February 26, 2018.

In the absence of requirements in section 124.5 pertaining to the filling of pleadings with the Board, the Board orders that the parties follow the filing instructions for permit appeals

set forth in 40 C.F.R. § 124.19(i)(2). The Board also advises the parties that they may use the Board's electronic filing system for filing pleadings in this informal appeal under 40 C.F.R. § 124.5. The procedures for electronic filing are explained in the Board's Standing Order authorizing electronic filing of August 12, 2013.¹

So ordered.

Dated: February 1, 2018

ENVIRONMENTAL APPEALS BOARD

By: Kathie A. Stein
Kathie A. Stein
Environmental Appeals Judge

¹ See Revised Order Authorizing Electronic Filing in Proceedings Before the Environmental Appeals Board Not Governed by 40 C.F.R. Part 22 (Aug. 12, 2013), *available at* <http://www.epa.gov/eab> (Click "Standing Orders" on sidebar).

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing **ORDER FOR ADDITIONAL BRIEFING** in the matter of West Bay Exploration Company, Haystead #9 SWD, UIC Appeal No. 18-01 were sent to the following persons in the manner indicated:

By U.S. First Class Mail:

Peter Bormuth
142 West Pearl Street
Jackson, MI 49201
Earthprayer@hotmail.com

Timothy Brock
West Bay Exploration Company
13685 South West Bay Shore Dr.
Suite #200
Traverse City, MI 49684
Tim@wbeco.net

By Pouch Mail:

John Steketee
Office of Regional Counsel
USEPA REGION 5
77 West Jackson Boulevard
Mail Code: C-14J
Chicago, IL 60604-3507
Steketee.john@epa.gov

Dated: **FEB - 1 2018**


Annette Duncan
Administrative Specialist