

**EXHIBIT B-12**

**Letter from EPA to U.S. DOI, Fish and Wildlife Service**

West Bay Exploration Company (WBEC), Haystead #9 SWD  
(Permit #MI-079-2D-0010)

**Administrative Record  
Item # 81**

August 6, 2013

Rebecca L. Harvey, EPA



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

AUG 06 2013

REPLY TO THE ATTENTION OF:

WU-16J

**CERTIFIED MAIL 7009 1680 0000 7664 0220**  
**RETURN RECEIPT REQUESTED**

Scott Hicks, Field Supervisor  
Fish and Wildlife Service  
East Lansing Field Office (ES)  
2651 Coolidge Road, Suite 101  
East Lansing, Michigan 48823

**Re: Draft Permit for the Haystead #9 SWD Well in Jackson County;  
U. S. Environmental Protection Agency (EPA) Permit Number MI-075-2D-0010;  
Michigan Department of Environmental Quality (MDEQ) Permit Number 60425**

Dear Mr. Hicks:

I am writing to let you know that the EPA has prepared a draft permit under the Safe Drinking Water Act. The proposed permit (enclosed) would authorize West Bay Exploration Company to construct a new injection well and dispose of salt water 2,870 feet underground at an existing production well pad in Jackson County, Michigan. EPA is issuing this notice pursuant to 40 C.F.R. § 124.10(c); and under 40 C.F.R. § 124.10(b) EPA will provide 30 days during which the U.S. Fish and Wildlife Service may comment on the draft permit.

EPA has determined that issuance of the permit will have no effect on species that are listed as endangered or threatened under the Endangered Species Act. EPA's determination is based on an evaluation of the information that West Bay provided with its permit application, including a March 19, 2012 letter from Westshore Consulting (enclosed). Please provide comments on the draft permit, or a statement that the U.S. Fish and Wildlife Service does not have comments, within 30 days of receipt of this letter.

Please also note that on April 30, 2013, a public hearing was held in Jackson County, Michigan, pursuant to 40 C.F.R. § 124.12, to take comments on the subject draft permit. The Agency has attached a copy of the transcript of the hearing to this letter and will provide you with a copy of EPA's response to comments document as soon as it is completed. EPA believes this notice satisfies the substantive requirements of 40 C.F.R. § Part 124; however, should the U.S. Fish & Wildlife Service have any concerns with this notice, please contact me as soon as possible. Otherwise EPA shall presume that your Agency concurs that this notice satisfies the requirements 40 C.F.R. § 124.10(b)(2).

Feel free to contact me if you have any questions, or your staff may contact Timothy Elkins at (312) 886-0263 or by email at [elkins.timothy@epa.gov](mailto:elkins.timothy@epa.gov).

Sincerely,

A handwritten signature in black ink, appearing to read "Rebecca L. Harvey". The signature is fluid and cursive, with a large initial "R" and a long, sweeping underline.

Rebecca L. Harvey, Chief  
Underground Injection Control Branch

Enclosures