

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

In the Matter of:

**West Bay Exploration Company of
Traverse City, Michigan,
Haystead #9 SWD,
Permit No. MI-075-2D-0010,
Jackson County, Michigan.**

Permit Appeal No. UIC 14-67

EPA REGION 5 RESPONSE TO MOTION TO STRIKE RESPONSE

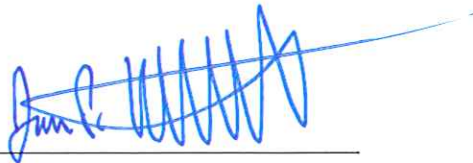
Region 5 of the United States Environmental Protection Agency (the Region) hereby responds to the June 16, 2014 motion (Motion) filed with the Environmental Appeals Board (EAB or the Board) by Mr. Peter Bormuth (Petitioner Bormuth) in the above-captioned appeal. The Motion requests that the EAB strike from the record the Region's Response to Petition for Review, filed with the Board in the above-captioned appeal on June 12, 2014.

The Region objects to the Motion on the grounds that under 40 C.F.R. § 124.19, a response to a petition for review may be filed within 30 days after the filing of a petition. The petition in the above-captioned matter was filed with the Board on May 14, 2014 and the Region's response was subsequently filed on June 12, 2014, within 30 days of the subject filing date. Because the Region did not object to the filing of the subject petition; because Board had not issued an order in the matter resolving the issue of the timeliness of the subject petition; and because the Board may relax or suspend the filing requirements of 40 C.F.R. § 124.19 for good cause, the filing of the Region's response within the 30-day filing period was justified. As a result, the requested

procedural sanction, i.e. the striking of the Region's pleading under 40 C.F.R. § 124.19(n), is not necessary or warranted.

Accordingly, the Region objects to the Motion and defers to the Board in resolving the various procedural issues raised in this appeal.

Respectfully submitted,



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Dated this 17th day of June, 2014.

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
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In the Matter of:)	
)	
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West Bay Exploration Company of)	Appeal No. UIC 14-67
Traverse City, Michigan,)	
Haystead #9 SWD,)	
Permit No. MI-075-2D-0010,)	
Jackson County, Michigan.)	

CERTIFICATE OF SERVICE

I hereby certify that the original of the attached **RESPONSE TO MOTION TO STRIKE RESPONSE** in the matter **WEST BAY EXPLORATION COMPANY OF TRAVERSE CITY, MICHIGAN, HAYSTEAD #9 SWD, PERMIT NO. MI-075-2D-0010, JACKSON COUNTY, MICHIGAN, EAB Appeal No. UIC 14-67**, was filed today with the Board electronically, via the Central Data Exchange.

Further, I hereby certify that one copy of the attached **RESPONSE TO MOTION TO STRIKE RESPONSE** in the matter **WEST BAY EXPLORATION COMPANY OF TRAVERSE CITY, MICHIGAN, HAYSTEAD #9 SWD, PERMIT NO. MI-075-2D-0010, JACKSON COUNTY, MICHIGAN, EAB Appeal No. UIC 14-67**, was sent to the Petitioner, Permit Applicant and the moving party via Express Mail to the following addresses:

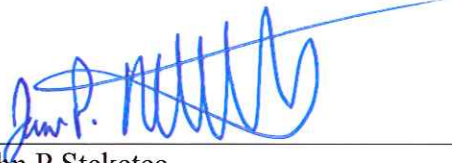
Peter Bormouth
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and

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Traverse City, Michigan 49684



John P Steketee

June 17, 2014

Date