

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

In re:	:	
	:	
Windfall Oil & Gas, Inc.	:	Appeal No. UIC 21-01
	:	
Permit No. PAS2D020BCLE	:	

UNOPOSED MOTION FOR EXTENSION OF TIME
TO RESPOND TO PETITION FOR REVIEW

The U.S. Environmental Protection Agency (EPA) Region 3 (Region) respectfully requests that the Environmental Appeals Board (EAB or Board) grant a 29-day extension of time, until Friday, March 12, 2021, to file its response to the Petition for Review filed in the above-captioned matter.

On January 12, 2021, Petitioner Darlene Marshall (Petitioner) filed a Petition for Review of the Region’s issuance of the above-referenced Underground Injection Control (UIC) Class II-D permit. Pursuant to 40 C.F.R. § 124.19(b)(2), EPA “must file a response to the petition, a certified index of the administrative record, and the relevant portions of the administrative record within 30 days after the filing of a petition.” The response to the petition is therefore due on February 11, 2021. EPA requests a 29-day extension of time^[1] pursuant to 40 CFR § 124.19(g)(2), which allows each party to file one motion for an extension of time for up to 30 days. [fn1: The Region is requesting a 29-day extension of time, because the full 30-day extension authorized by the regulation would end on Saturday, March 13, 2021, which, pursuant to the applicable regulation on computation of time, 40 CFR 124.20, would result in a further two-day extension to the next working day, or Monday, March 15, 2021. The Region believes that a 32-day extension of time is unnecessary.]

The Region’s reason for requesting this extension is to ensure sufficient time and administrative resources to respond appropriately to the Petition. The underlying UIC permit,

^[1] The Region is requesting a 29-day extension of time, because the full 30-day extension authorized by the regulation would end on Saturday, March 13, 2021, which, pursuant to the applicable regulation on computation of time, 40 CFR 124.20, would result in a further two-day extension to the next working day, or Monday, March 15, 2021. The Region believes that a 32-day extension of time is unnecessary.

PAS2D020BCLE, was issued to Windfall Oil and Gas, Inc. (Windfall or permittee) for a Class II-D underground injection well (sometimes called the Zelman #1 well) in Brady Township, Clearfield Co. PA. The permittee plans to inject fluids produced in association with oil and gas production into the Huntersville Chert/Oriskany formation in accordance with the permit conditions.

EPA received several requests for a public hearing on the reissued permit, which it held virtually on September 17, 2020. EPA received a total of 14 verbal or written public comments. (The Region previously issued a UIC permit for the Zelman #1 well on July 5, 2015, also after extensive public comments and an EAB appeal. The existing permit has been administratively extended during the current permit reissuance proceeding.)

The Petitioner raises 83 issues in her Petition: 13 in some depth, and the balance through reference to the EPA public hearing record or separate proceedings before the Pennsylvania Department of Environmental Protection (PaDEP). However, each issue raised by the Petitioner will require review by EPA staff to determine the appropriate response. In addition, the Region's draft response is subject to review and concurrence by legal and program management at both the Region and headquarters.

Pursuant to 40 C.F.R. § 124.19(f)(2), the Region contacted the Petitioner "to ascertain whether the other party concurs or objects to the motion." The Petitioner has graciously concurred, stating that "[a]n extension of time to file is fine with me as I know this case is complex."

Under these circumstances, the Region respectfully requests a 29-day extension, to March 11, 2021, for the Region to file its response, including the certified index of the administrative record and relevant portions of the administrative record, to the Petition for Review.

/s/ William C. Smith

(signed per Revised EAB Order re: Electronic Filing in non-Part 22 Proceedings, 8/12/13)

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CERTIFICATE OF SERVICE

I hereby certify that the foregoing Unopposed Motion for an Extension of Time to Respond to Petition for Review, in the matter of *Windfall Oil & Gas, Inc.*, Appeal No. UIC 21-01, was filed electronically with the Environmental Appeals Board's E-filing System and was served on the following persons, this 26th day of January 2021 in the manner indicated below.

By Email:

Darlene Marshall (Petitioner)
Email: mrdevy@yahoo.com

1070 Highland Street Extension
DuBois, PA 15801

/s/ William C. Smith

(signed per Revised EAB Order re: Electronic Filing in non-Part 22 Proceedings, 8/12/13)

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