

In the Matter of:

Petitioner

Permit Appeal: UIC 18-02

The United States Environmental Protection Agency (EPA) Region III (Region) respectfully requests that the Environmental Appeals Board (EAB) grant a 14 day extension of time to file a response to the Petition for Review filed by petitioner the Borough of Plum and to submit the certified administrative record and relevant portions of the record. The extension would move the date by which the Region must respond from May 7, 2018 to May 21, 2018. Petitioner, the Borough of Plum, consents to the Region's motion and permit applicant, Penneco Environmental Solutions, LLC (Penneco), does not object to the Region's motion. Additionally, Penneco has asked that the requested extension of time apply to it as well. As grounds for the motion, the Region states as follows:

1. On March 7, 2018, the Region issued a final permit to Penneco for an

Underground Injection Control (UIC) Class II injection well, UIC Permit No. PAS2D701BALL.

2. The permit application was submitted to EPA on March 9, 2016, and was supplemented on September 10, 2016. Public notice of a draft permit was issued on June 22, 2017 and a public hearing was held on July 26, 2017, at which approximately 200 people attended. The Region received over 400 comments.

3. On April 2, 2018, the Borough of Plum served on the Region and Penneco a Petition for Review appealing the issuance of the Penneco permit. The Petition for Review was served by U.S. Mail. The Region must respond within 30 days after service of the Petition, which would be by Saturday May 5, 2018, making the Region's response due May 7, 2018. *See* 124 C.F.R. §§124.19(b), 124.20(a)-(d).

4. On April 17, 2018, Penneco filed a Notice of Appearance pursuant to 40 C.F.R. §§ 124.19(b)(3).

5. By letter dated April 10, 2018, the EAB notified the parties as well as the permit applicant of the availability of alternative dispute resolution (ADR). Initiation of the ADR process typically involves a stay of the adversarial proceedings while ADR is ongoing.

6. The Region and the Borough of Plum discussed ADR and determined that they were interested in participating in ADR. The Region and Penneco also discussed ADR, and Penneco indicated that it would participate in ADR if the EAB initiated ADR in this matter. On April 23, 2018, the Region submitted a letter to the EAB so stating.

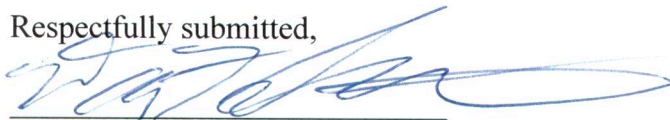
7. On April 30, 2018, following further consultations with their client, counsel for the Borough of Plum indicated to EPA that the Borough changed its position and no longer wanted to participate in the ADR process made available by the EAB. A letter so stating was filed with the EAB by the Region on May 1, 2018.

8. Based on the initial response from the Borough of Plum, the Region anticipated the initiation of ADR and the stay of the adversarial proceeding while ADR was actively being pursued by the parties.

9. Given the late determination by the Borough of Plum not to participate in ADR and the time that the Region will require to prepare its responsive filings, on May 1, 2018 the Region asked the Borough of Plum if it would consent to the requested extension of time and asked Penneco if it had any objection. The Borough of Plum indicated that it consented to the requested extension of time for the Region's responsive filing and Penneco indicated that it did not object to the request. Further, Penneco requested that the extension of time apply to any filing it might make as well. The requested additional time is required for the Region to fully review the record and prepare its response to the Borough of Plum's Petition for Review.

10. For the reasons stated above, the Region respectfully requests that the EAB grant an extension of time until May 21, 2018 to file a response to the Petition for Review, the certified index of the record and the relevant portions of the administrative record, which is 14 days after the last day in which a timely response to the Petition for Review is required. Further, per Penneco's request, such grant of an extension of time should also apply to the permit applicant.

Respectfully submitted,



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CERTIFICATE OF SERVICE

I hereby certify that I served a copy of the foregoing Motion for Extension of Time to File a Response on the date specified below, by electronic mail and U.S. Mail:

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I also certify that I filed the original electronically with the Environmental Appeals Board.



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5/11/18