

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

\_\_\_\_\_  
In the Matter of: )  
)  
)

Seneca Resources Corp. )  
)  
)

Judith E. Hudson, )  
)

Petitioner )  
)  
)

UIC Permit No. PAS2D025BELK )  
)  
\_\_\_\_\_ )

Permit Appeal: UIC 14-01

**REGION III'S MOTION FOR EXTENSION OF TIME TO FILE A RESPONSE**

The United States Environmental Protection Agency (EPA) Region III (Region) respectfully requests an extension of time to file a response to the petition for review filed by petitioner Judith E. Hudson and to submit the relevant portions of the record. The extension would move the date by which the Region must respond from March 6 to April 7, 2014. As grounds for the motion, the Region states as follows:

1. On January 28, 2014, the Region issued a final permit to Seneca Resources Corporation (Seneca) for an Underground Injection Control (UIC) Class II injection well.
2. On the same date, the Region sent by U.S. Postal Service and electronic mail the Notice of Final Permit and the Response to Summary Comments to each person who submitted comments on the draft permit. The Region received over 2,500 comments.

3. On January 31, 2014, the Region learned that due to a transcription error on the email address of one commenter, Marianne Atkinson, the Region initially did not send the Notice of Final Permit and Response to Summary Comments to the correct address. On February 4, the Region sent those Seneca permit documents to Ms. Atkinson's correct address. The Region also posted a notice on the EPA regional website informing the public of the issuance of this permit (see [http://www.epa.gov/reg3wapd/public\\_notices.htm#seneca](http://www.epa.gov/reg3wapd/public_notices.htm#seneca)).

4. Under the regulations for appeals of UIC permits, commenters must file a petition for review of the permit within 30 days after the Region serves the Notice of Final Permit, which was January 28 for most commenters and February 4 for Ms. Atkinson. See 124 C.F.R. §124.19(a)(3).

5. On February 4, 2014, petitioner Hudson filed a letter appealing the issuance of the Seneca permit. The Region must respond 30 days after the filing of the petition, which would be March 6 for Ms. Hudson's petition. See 124 C.F.R. §124.19(b).

6. Other commenters have until February 28 and Ms. Atkinson has until March 4 to file a petition for review.

7. The issuance of the Seneca permit has been of interest to the community and has received media attention. See, e.g., <http://www.wjactv.com/news/features/top-stories/stories/injection-well-fight-packs-township-meeting-1640.shtml> and <http://www.post-gazette.com/local/marcellusshale/2014/02/03/Elk-County-well-to-take-fracking-wastewater/stories/201402030061>. As stated above, the Region received over 2,500 comments on the permit. Because of this extensive interest, the Region expects that other petitions might be filed.

8. If other petitions are filed, the Region will move to file a consolidated response, in

the interest of efficiency, and to avoid duplication of efforts and unnecessary expenditure of resources.

9. Because the petitioner did not provide a phone number or email with her petition, the Region has not been able to consult with her as to whether she opposes this motion.

10. For the reasons stated above, the Region requests that the Environmental Appeals Board grant an extension of time to file a response to the petition, the certified index of the record and the relevant portions of the administrative record until April 7, 2014, which is 30 days after the last day in which a timely petition can be filed for this permit.

Respectfully submitted,



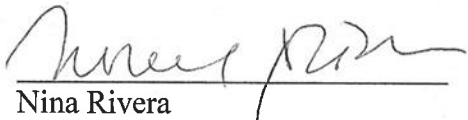
Nina Rivera  
Assistant Regional Counsel  
U.S. Environmental Protection Agency, Region III  
1650 Arch Street  
Philadelphia, Pennsylvania 19103  
Phone: (215) 814-2667  
Fax: (215) 814-2603  
Email: rivera.nina@epa.gov

## CERTIFICATE OF SERVICE

I hereby certify that I delivered a copy of the foregoing Motion for Extension of Time to File a Response on the date specified below, by certified mail, return receipt requested to:

Judith E. Hudson  
539 Hacker St.  
Kane, PA 16735

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



Nina Rivera  
Assistant Regional Counsel  
U.S. Environmental Protection Agency, Region III  
1650 Arch Street  
Philadelphia, Pennsylvania 19103  
Phone: (215) 814-2667  
Fax: (215) 814-2603  
Email: rivera.nina@epa.gov

Date: 1/24/14