

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

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In re:	)	
	)	
Florence Copper, Inc.	)	
	)	Appeal No. UIC 17-04.
UIC Permit No. R9UIC-AZ3-FY11-1	)	
	)	
_____	)	

**REGION IX's UNOPPOSED MOTION FOR EXTENSION OF TIME  
TO FILE RESPONSE**

The United States Environmental Protection Agency (EPA) Region 9 (“Region”) requests an extension of time to respond to Permit Appeal 17-04 (“Wall Petition”) of the Class III Underground Injection Control (UIC) permit issued on December 20, 2016 to Florence Copper Inc. (FCI). On February 2, 2017, the Environmental Appeals Board (“EAB” or “Board”) granted an extension of time until April 7, 2017, to respond to the other three petitions related to FCI’s permit. Ms. Wall’s petition was received by the Board on February 7, 2017. On February 10, 2017, FCI filed a Motion to Dismiss the Wall Petition for being untimely. The Board has not yet ruled on FCI’s Motion to Dismiss. If the Motion to Dismiss is denied, the Region respectfully requests an extension of time to April 7, 2017, for the Region to file responses to all four Petitions for Review at the same time.

The other three petitions were filed by the following petitioners: 1) Mr. John Anderson (Permit Appeal UIC-01), 2) the Gila River Indian Community (Permit Appeal UIC-02), and 3) joint petitioners Southwest Value Partners (SWVP) and the Town of Florence (Permit Appeal

UIC-03). Pursuant to the regulations for appeals of UIC permits, the Region is required to file a response to a petition, along with a certified index of the administrative record, and relevant portions of the administrative record within 30 days after the filing of a petition. See 40 C.F.R. § 124.19(b)(2). In accordance with the regulations for appeal, the Region's response to the Wall Petition must be filed by March 9, 2017, unless an extension is granted or FCI's Motion to Dismiss is granted.

The substantively complex, substantial, distinct, and varied range of issues raised in the four Petitions for Review filed in this matter require careful consideration by the Region, including the analysis and inclusion of technical arguments. The requested additional time for the Region to prepare and file the response will help to ensure that the relevant facts and issues are fully vetted and presented to the EAB in a comprehensive manner. Preparation of the Region's responses to these Petitions will also require consultation and coordination by the Region with various offices within EPA Headquarters that have an interest in the matters raised in the petitions, including EPA's Office of General Counsel.

Ms. Wall does not oppose this Motion for Extension. (See Attachment 1, attached hereto). In accordance with 40 C.F.R. 124.16(a), the Region issued a Notice of Stay of the Permit on January 30, 2017, pending final agency action from the Board. As a result, an extension of time for the Region's responses would not prejudice petitioner. The Region would also like to inform the Board that Ms. Wall agreed to accept service of filings by electronic mail.

In conclusion, the Region respectfully requests the Board allow for an extension of time to April 7, 2017, for the Region to file its response to the Wall Petition, at the same time as the other three Petitions for Review, and would appreciate the Board's attention to this matter at the Board's earliest convenience.

Date: February 23, 2017

Respectfully submitted,

*/s/ Dustin Minor*

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## CERTIFICATE OF SERVICE

I hereby certify that I caused a copy of the attached **MOTION FOR EXTENSION OF TIME TO FILE RESPONSES** to be served by electronic mail upon the persons listed below.

Dated: February 23, 2017

*/s/ Dustin Minor*

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