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O K L A H O M A

Reply to **John H. Tucker**
jtucker@rhodesokla.com

January 11, 2018

The Regional Hearing Clerk
U.S. EPA, Region 6
1445 Ross Avenue, Suite 1200
Dallas, TX 75202

Re: In the Matter of Novy Oil and Gas, Inc., Respondent; Docket No. SDWA-06-2017-1112

Dear Sir/Madam:

Enclosed please find Respondent's Motion to Reconsider for filing in the above-captioned matter.

Please return a file-stamped copy of the Motion to Reconsider in the self-addressed, stamped envelope which is enclosed for your convenience.

Thank you for your attention.

Very truly yours,

John H. Tucker

JHT/mjh
Enclosure

To: The Regional Hearing Clerk

FILED

Re: In the Matter of Novy Oil and Gas, Inc., Respondent; Docket No. SDWA-06-2017-1112

2018 JAN 16 PM 1:01
REGIONAL HEARING CLERK
EPA REGION VI

MOTION TO RECONSIDER OF NOVY

Novy Oil and Gas, Inc. ("Novy"), adopts the Motion to Reconsider of Respondent, Jireh.

Novy further states the following based in part on statements made by representatives of the EPA ("Agency") in an informal discussion of January 10, 2018, and in part on prior conversations and correspondence from the Agency.

Prior to the public comment meeting in Tulsa, Oklahoma, on October 11, 2017, Novy's counsel was advised that the public comment meeting in Tulsa would precede a hearing for presentation of evidence. That was confirmed by the email from the Agency that is an exhibit to Jireh's Motion to Reconsider.

On January 10, 2018, Novy learned for the first time that the Agency considers the record of this matter closed and the Order dated December 21, 2017, to be a Final Order for all purposes, that there will be no opportunity for a further evidentiary hearing, and the Agency reported it is not capable of stating when Novy's FOIA request for documents related to this matter will be delivered in full.

Novy believes it has not been, and is not being afforded due process, and that the Agency has acted prematurely on uncertain and incomplete facts in a misapplication of law and the rules of the Agency.

Dated: Jan. 11, 2018

Respectfully submitted,

By: John H. Tucker / mjh
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jhtucker@rhodesokla.com
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Attorney for Respondent, Novy Oil and Gas, Inc.

CERTIFICATE OF SERVICE

I, hereby certify that on this 11th day of January, 2018, I caused to be mailed a true and correct copy of the within and foregoing *Request for Hearing* to:

Sent by Fed-Ex: Regional Hearing Clerk (6RC-D)
U.S. EPA, Regional 6
1445 Ross Avenue, Suite 1200
Dallas, TX 75202-2733

Copy by certified mail Cheryl T. Seager, Director
Return receipt requested: Compliance Assurance and Enforcement Division
U.S. EPA, Regional 6
1445 Ross Avenue, Suite 1200
Mail Code: 6EN
Dallas, TX 75202-2733
Seager.cheryl@Epa.gov

Copies by email: Jann Hayman, Director, Osage Nation Environmental and
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Dated: Jan 11, 2018

John H. Tucker / M-F XI
John H. Tucker