

To: The Regional Hearing Clerk

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

FILED  
2018 JAN 15 11:42  
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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***Attorney for Respondent, Novy Oil and Gas, Inc.***

CERTIFICATE OF SERVICE

I, hereby certify that on this 11<sup>th</sup> 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](mailto: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-A-XI  
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