Message

From: Robinson, Valois [Robinson.Valois@epa.gov]
Sent: 12/4/2020 1:06:12 AM
Subject: Clarification of process for appeal of EPA's aquifer exemption decision associated with the Dewey Burdock UIC Class III Area Permit

To clarify the process for appeal of EPA's decision regarding the aquifer exemption associated with the EPA Dewey Burdock Class III Area Permit, EPA has updated the UIC Program website with the following information:

Appeals of the aquifer exemption associated with the Dewey Burdock Class III Area Permit must be filed in accordance with 42 USC § 300j-7, not 40 CFR § 124.19, because it is a final agency action independent from the permit. See In re Florence Copper, 17 EAD 406, 419 (EAB 2017). Pursuant to 40 CFR § 23.7, the 45-day period discussed in 42 USD § 300j-7(a)(2) begins two weeks after the date of signature of the aquifer exemption. Therefore, appeals of this aquifer exemption have to be filed by January 22, 2021.

https://www.epa.gov/uic/epa-dewey-burdock-class-iii-and-class-v-injection-well-final-area-permits

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