

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

In re: )  
)  
Marquis Carbon Injection, LLC ) UIC Appeal No. 26-1  
Marquis Biocarbon Project )  
Putnam County, Illinois )  
)  
Class VI UIC Permit No. )  
IL-155-6A-001 )  
)

**REGION 5 MOTION FOR EXTENSION OF TIME AND INCREASE OF WORD LIMIT  
AND AGREED PROPOSED BRIEFING SCHEDULE**

Pursuant to 40 C.F.R. § 124.19(d)(3) and (g), the U.S. Environmental Protection Agency, Region 5 (“EPA” or “Region 5”), unopposed, hereby moves the Environmental Appeals Board (“Board”) for 120 days, until September 25, 2026, to file its Response to Petition for Review (“Response”), in the above-captioned matter, for an increase of the word limit for the Response to 50,000 words, and for 120 days, until September 25, 2026, to file the relevant portions of the administrative record. The parties have also concurred on a proposed briefing schedule that would grant the Petitioner 60 days to file a reply, until November 24, 2026, and for an increase of the word limit for a reply to 35,000 words.

The grounds for this motion are as follows:

1) On April 10, 2026, the EPA issued an Underground Injection Control (“UIC”) Class VI Permit to Marquis Carbon Injection, LLC (“Marquis”), authorizing geologic sequestration of carbon dioxide at the Marquis Biocarbon Project in Putnam County, Illinois.

2) On or about May 7, 2026, Eco-Justice Collaborative (“Petitioner”) filed its Petition for Review (“Petition”) with the Board. The Petitioner requests review of eleven issues related to the Permit decision, which Petitioner characterizes as follows:

- a. Issue 1 - Region 5 issued the Final Permit based on a computational model that omitted the WPL-1 hazardous-waste plume as an initial condition.
- b. Issue 2 - Region 5's reliance on Marquis's computational modeling is clearly erroneous in light of peer-reviewed empirical evidence at the Illinois Basin- Decatur Project
- c. Issue 3 – The 12-year alternative Post-Injection Site Care timeframe lacks substantial evidence within the meaning of § 146.93(c).
- d. Issue 4 – Region 5 approved injection wells designed for only 18 years, in violation of requirement § 146.86(b)(1)'s that wells be designed for the life of the project.
- e. Issue 5 - Marquis's monitoring-well network does not provide direct injection-zone monitoring within the modeled plume path or between CCS3 and the WPL-1 well.
- f. Issue 6 - Region 5's "no corrective action" determination for the WPL-1 well does not analyze the mechanical pressure effects of CO<sub>2</sub> injection on WP-L integrity.
- g. Issue 7 – Region 5 reduced AoR-wide seismic monitoring to a 3.72 mi<sup>2</sup> area on the explicit ground that broader coverage was "practically infeasible" due to cost.
- h. Issue 8 – The Region clearly erred in concluding that seismicity will not interfere with containment of CO<sub>2</sub>.

- i. Issue 9 – EPA’s confining-zone finding is clearly erroneous because the dominant lithology of the Eau Claire Formation in the Project area is dolomitic sandstone not shale.
- j. Issue 10 – Five material relaxations of monitoring requirements made between draft and final permit were not re-noticed 124.14(b).
- k. Issue 11- The publicly available application materials were significantly and unjustifiably redacted for most of the public comment period.

3) To date, the EPA has not been served with a copy of the Petition as required under 40 C.F.R. § 124.19(i)(3)(ii). The EPA learned of the petition by affirmatively reviewing the Board’s active docket website. For expediency, the EPA is willing to waive service requirements.

4) In accordance with 40 C.F.R. § 124.19(g)(3), Region 5 is seeking an extension of time to file its Response. The 11 discrete issues that are raised are diverse in subject matter and may be highly technical. The issues raise a variety of both substantive and procedural concerns. The Region will need to perform extensive research and analysis to provide a reasoned response to the petition that fairly presents the EPA’s position. Further, development of a response will require collaboration between the EPA’s technical and legal staff. Region 5 will need to coordinate closely with both the EPA’s Office of General Counsel and Office of Water before finalizing and filing any response. For these reasons, Region 5 will need additional time to develop its Response.

5) Further, in accordance with 40 C.F.R. § 124.19(f)(5), there is a compelling and documented need to exceed the 14,000-word limitation set forth under 40 C.F.R. § 124.19(d)(3). Although the Petitioner has complied with the word count limitation for its Petition, this limitation would require the EPA to respond to each discrete issue raised in the Petition in

approximately 1,275 words. This is significantly disproportionate for response briefs that address far fewer claims. In addition, the Petition fails to provide any legal precedence (caselaw) for its arguments, and the voluminous agency guidance on Class VI well permitting is hardly referenced. The Region's Response, which will address technical concerns and provide the Board with legal precedence and agency guidance upon which its decisions may rely, will necessarily be longer. Region 5 approximates that 50,000 words will sufficiently allow the fair presentation of its arguments.

6) Region 5 further requests an extension of time to 120 days to file the relevant portions of the administrative record. The Region is concurrently filing with this motion the certified index of the administrative record, which contains 2139 documents. This voluminous record includes, *inter alia*, technical memoranda and reports, graphs and charts, various submittals by the applicants, and the public comments. The Region will need to review which documents are pertinent to the 11 issues in the petition as part of its research and response efforts. A pre-determination of which of these many records are "relevant" to the Region's Response, per 40 C.F.R. § 124.19(b)(2), would be impossible.

7) Consistent with 40 C.F.R. § 124.19(f)(2), the Region has consulted with Petitioner concerning this motion. The parties have jointly concurred on the Region's request for 120 days to file its Response and the relevant portions of the administrative record and a 50,000-word limit for the Response. Further, the Petitioner has requested, and the Region concurs with, granting the Petitioner 60 days to file a reply and a 35,000-word limit. The Petitioner also expressed that it wishes to reserve its right to seek an additional extension after the Region submits its Response.

For the reasons stated above, the Region respectfully requests that the Board grant a 120-day extension of time from the date of filing this motion to September 25, 2026, for the Region to file its Response and the relevant portions of the administrative record, and for the Board to increase the 14,000 word-limitation on the Response to 50,000 words. The Region supports the Board issuing an order reflecting the jointly proposed schedule set forth in the above paragraph, with the Petitioner's reply due November 24, 2026, and an increase of the 7,000 word-limitation in its reply to 35,000.

Dated: May 28, 2026

Respectfully submitted,

/s/ Jamie Getz

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