

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

In re:)
)
) UIC Appeal No. 26-01
)
Marquis Carbon Injection LLC,)
Marquis Biocarbon Project,)
Putnam County, Illinois.)
)
Class VI UIC Permit No.)
IL-155-6A-0001)
)

**PERMITTEE MARQUIS CARBON INJECTION LLC’S PARTIAL OPPOSITION TO
EPA’S MOTION FOR EXTENSION OF TIME**

Marquis Carbon Injection LLC (“Marquis”), the permittee in this matter, respectfully opposes the U.S. Environmental Protection Agency, Region 5’s (“EPA”) Motion for Extension of Time, filed May 28, 2026. The requested 120-day extension for EPA’s response and 60-day extension for Petitioner’s reply—pushing the response to September 25, 2026,¹ and the reply to November 24, 2026—is unnecessary, disproportionate, and would prejudice Marquis. Marquis requests that the Board limit any extension to file a response to 30 days, through July 10, 2026, apply the same deadline to Marquis’s response, and deny the request to extend the reply brief deadline.

As the permittee, Marquis has a right under 40 C.F.R. § 124.19(b)(3) to appear and file a response to the Petition. Marquis pursued its permit through years of technical preparation and regulatory review, and it has a concrete, cognizable interest in the *timely* resolution of this appeal.

¹ EPA calculated the extended deadline as 120 days from the date it filed its extension request, not from the date its response brief is due (i.e., June 10, 2026). *See* 40 C.F.R. § 124.19(b)(2).

Marquis understands that the Petition raises eleven issues and that EPA anticipates its response will be substantial. Although Marquis believes the regulatorily-set deadline to file a response to the petition of June 10, 2026 is sufficient, it understands that EPA may benefit from some additional time to prepare its response. But EPA's request for 120 days—four times the 30 days that EPA itself set through rulemaking—goes far beyond what the circumstances justify.

The issues in the Petition, while numerous, are not so complex as to require four months of additional time for the agency that issued the permit. EPA prepared and finalized this permit and its administrative record over the course of years. EPA has institutional expertise in Class VI permitting and access to technical staff, the Office of General Counsel, and the full administrative record for this particular permit—which EPA acknowledges is already indexed. While Marquis appreciates EPA's commitment to thoroughness, a 120-day extension delays justice for Marquis without proportionate reason.

Marquis is willing to consent to a 30-day extension of the deadline for EPA to file its response, extending the current deadline to **July 10, 2026**. This additional time provides EPA meaningful relief without subjecting Marquis to months of additional delay. But Marquis is not in a position to support an extension beyond this period. Marquis respectfully requests that any extension the Board grants to EPA apply equally to Marquis's response to the Petition. It would be inequitable and procedurally inefficient for Marquis to be required to file a response before EPA.

Marquis also opposes the proposed 60-day reply period for Petitioner. The regulations provide 15 days for a reply, *see* 40 C.F.R. § 124.19(c)(2), and Petitioner has offered no basis for an expansion.

Marquis does not take a position on EPA's or Petitioner's requests for an increased word limit, provided any increase to the response brief is matched for Marquis's response.

In sum, Marquis respectfully requests that the Board (1) deny EPA's request for a 120-day extension to file a reply brief, and provide, at most, a 30-day extension through July 10, 2026, for EPA to file its response and relevant portions of the administrative record; (2) confirm that Marquis's deadline to respond to the Petition is coextensive with EPA's deadline; and (3) deny the request to extend Petitioner's reply period.

Dated: June 1, 2026

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that, on June 1, 2026, the foregoing Notice was filed with the Environmental Appeals Board through its e-filing system, and a copy was served on the following parties by e-mail and U.S. Mail:

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