

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

)	
In re Wabash Carbon Services, LLC)	UIC Appeal No. 24-01
Permit Nos. IN-165-6A-0001 (Vermillion))	
and IN-167-6A-0001 (Vigo))	
)	
)	

ORDER GRANTING SECOND EXTENSION OF TIME

On February 22, 2024, Andrew Lenderman, Ben Lenderman, Floyd Lenderman, and Jessie Lenderman filed a petition for review of two Class VI underground injection control permits issued by U.S. Environmental Protection Agency Region 5 to Wabash Carbon Services, LLC. Permittee Wabash Carbon Services, LLC filed a notice of appearance informing the Board that it intends to participate as a party in this matter. Notice of Appearance for Wabash Carbon Services, LLC 1 (Mar. 15, 2024). Following a request by the Region, the Board extended the time for the Region and Permittee to file response briefs, and for the Region to file a certified index and relevant portions of the administrative record, until April 25, 2024. Order Granting Extension of Time 2 (Mar. 18, 2024).

The Region now moves for an additional extension of time until May 10, 2024, to file its response to the petition, a certified index of the administrative record, and relevant portions of the administrative record. Motion for Second Extension of Time 1 (Apr. 20, 2024). In support of the Motion, the Region states that the petition raises legal and technical claims that require consultation with multiple divisions in EPA and that these discussions are ongoing. Specifically, the Region states it is coordinating with multiple offices regarding the petition's claims


concerning the Safe Drinking Water Act, 42 U.S.C. §§ 300h to 300h-9, and the National Environmental Policy Act, 42 U.S.C. §§ 4321-4370j. The Region indicates that it conferred with counsel for the Petitioners and the Permittee and that none of the parties oppose the Motion.

Based on the representations in the Motion, the Board **GRANTS** the Motion. *See* 40 C.F.R. § 124.19(f)(6), (n). Accordingly, the Region shall file its response to the petition for review on or before **Friday, May 10, 2024**. The Region must file a certified index of the administrative record and the relevant portions of the administrative record on or before the same date. *See id.* § 124.19(b)(2). Any reply shall be filed in accordance with 40 C.F.R. §§ 124.19(c)(2) and 124.20.

So ordered.

ENVIRONMENTAL APPEALS BOARD

Dated: April 23, 2024

By: 
Ammie Roseman-Orr
Environmental Appeals Judge

CERTIFICATE OF SERVICE

I certify that copies of the foregoing *Order Granting Second Extension of Time* in the matter of Wabash Carbon Services, LLC, UIC Appeal No. 24-01, were sent to the following persons in the manner indicated:

By Email:

For Petitioners:

M. Shane Harvey
Chad Sullivan
Jackson Kelly PLLC
Post Office Box 553
Charleston, WV 25322
Tel: (304) 340-1000
Fax: (304) 340-1130
sharvey@jacksonkelly.com
cjsullivan@jacksonkelly.com

For EPA:

Amanda Urban, Associate Regional Counsel
Andre Daugavietis, Associate Regional
Counsel
Office of Regional Counsel
EPA Region 5
77 West Jackson Blvd.
C-14J
Chicago, IL 60604
Tel.: (312) 353-4331
Tel.: (312) 886-6663
urban.amanda@epa.gov
daugavietis.andre@epa.gov

For Wabash Carbon Services, LLC:

Kerry L. McGrath
Hunton Andrews Kurth LLP
2200 Pennsylvania Ave. NW
Washington, DC 20037
Tel: (202) 955-1519
kmcgrath@HuntonAK.com

Samuel L. Brown
Hunton Andrews Kurth LLP
50 California St., Suite 1700
San Francisco, CA 94111
Tel: (415) 975-3714
slbrown@HuntonAK.com

Dated: Apr 23, 2024

Annette Duncan
Annette Duncan
Administrative Specialist