

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

_____)	
In re:)	
)	
Wabash Carbon Services, LLC)	UIC Appeal No. 24-01
Vermillion and Vigo, IN)	
Wells CCS#1 and #2)	
)	
Underground Injection Control)	
Permit Nos.: IN-165-6A-0001 and)	
IN-167-6A-0001)	
_____)	

MOTION FOR EXTENSION OF TIME

The United States Environmental Protection Agency, (“EPA” or “Agency”) Region 5 (“Region”) requests that the Environmental Appeals Board (“EAB” or “Board”) grant a 30-day extension of time, until April 25, 2024, to file the certified index to the administrative record and relevant portions of the administrative record as well as the Region’s response to the Petition for Review in the above-captioned matter.

EPA seeks this extension for the following reasons. The Petition raises legal and technical claims that warrant consultation with multiple divisions in the Agency including headquarters and other regions at the highest management and political levels. In particular, the Petition’s claims concerning the National Environmental Policy Act (“NEPA”), 42 U.S.C. §§ 4321-4370, are similar to claims raised in *In Re Powertech (USA) Inc.*, UIC Appeal No. 20-01, (filed Dec. 24, 2020), currently pending before the Board. To address the Petition’s claims in full and ensure the Board has the full benefit of the Agency’s position on this issue under different permit appeals, the Region plans to coordinate with multiple attorneys in several specialized disciplines within the Region and across the Agency. Additionally, the

administrative records for the permits are voluminous and contain personally identifiable information that the Region plans to redact and handle securely. The Region respectfully requests an additional 30 days in consideration of these circumstances.

Consistent with 40 C.F.R. § 124.19(f)(2), the Region has consulted with Petitioners and the Permittee Wabash Carbon Services and has been informed that neither one objects to or opposes this motion for extension of time.

For the reasons stated above, The Region respectfully requests that the EAB grant a 30-day extension of time to April 25, 2024, for the Region to file its Response to the Petition for review, including the responsive brief, certified index of the administrative record, and the relevant portions of the administrative record.

Respectfully submitted,

DATE: March 14, 2024

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CERTIFICATE OF SERVICE

I certify that copies of the foregoing Motion for Extension of Time in the matter of Wabash Carbon Services LLC were filed in the Environmental Appeal Board's electronic filing system and sent to the following persons in the manner indicated.

By email to:

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DATE: March 14, 2024

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