

Docket No. EPA-R05-OW-2025-1612
Marquis Carbon Injection LLC

Comments by Lan Richart, Eco-Justice Collaborative

Thank you for the opportunity to provide comments on the draft Class VI well permit for Marquis Carbon Injection LLC.

My name is Lan Richart. I am a co-director of Eco-Justice Collaborative, a small non-profit located in Champaign, Illinois. For many years I worked as an environmental consultant within the private sector, responsible for the preparation of environmental documentation under the provision of the National Environmental Policy Act (NEPA). A critical part of this work was incorporating meaningful public input into the decision-making process for large scale public works projects.

I want to formally express my concerns about the transparency of the public involvement process with respect to the Marquis Class VI permit application and the availability of project information for public review.

The Code of Federal Regulations Title 40 Part 25 addresses public participation as it relates to programs under the Resource Conservation and Recovery Act, Clean Water Act and the Safe Drinking Water Act. The latter applies directly to the administration of the Class VI permitting program of the USEPA.

One of the primary objectives listed in Part 25 is “To assure that the public has the opportunity to understand official programs and proposed actions, and that the government fully considers the public's concerns.” The EPA website on Class VI also emphasizes that “Public participation and transparency are important components of EPA’s UIC regulatory framework.”

The USEPA maintains a website called “Underground Injection Control (UIC) Class VI Permit Tracker.” It does an excellent job of providing up-to-date information on the status of projects under review; when the permit applications were received, the anticipated dates when the draft permits will be issued and when public comments are due.

The website also ostensibly provides access to materials submitted by the applicants in support of the permit applications. However, in the case of the Marquis application, significant portions of the application materials were not made available and/or were redacted, not only during the review period, but well past the beginning of the public comment period. The following are two primary examples.

Project Narrative

A 50 page Project Narrative was posted on 3/27/25. This document held basic geologic information and site characterization descriptions, reservoir characteristics—such as porosity, permeability, stratigraphy, and structural features, all critical for assessing the safety of CO₂ injection operations. These characteristics directly influence the potential for CO₂ plume migration and the risk of leakage from the injection zone. Of the 50 pages in this document, 35 had some or all of the information redacted. On 4/28/25, a 69 page version of the Project Narrative was posted on the EPA website. Forty-six pages were partially or completely redacted. The Public Notice, published on 9/8/25, seeking comments on the Draft Permit, did not include the Permit Narrative at all in its “Related Documents.” It was not until 10/14/25 that an un-redacted version of the Project Narrative was released for public view. This was five weeks after the public comment period began and just fifteen days before the public hearing.

Area of Review and Corrective Action Plan

The Area of Review and Corrective Action Plan provided critical information about the subsurface stratigraphy of the project area, its porosity, permeability and the computational modeling Marquis used to estimate the size and extent of the underground CO2 plume and area of pressure buildup. On 3/27/24, a 50 page Area of Review and Corrective Acton Plan was posted for public review. Over fifty percent of the document was fully or partially redacted. An updated version of the document was not made available until 9/8/25, at which time an un-redacted, but significantly abbreviated, eleven page version was posted as a "Related Document" as part of the Public Notice. It was not until 10/14/25, five weeks after the comment period began and fifteen days before the public hearing that a new, un-redacted, 183 page Plan was made available to the public. This was a dramatically longer version of the Plan, released with very little time for public review.

The Importance of Transparency

The U.S. EPA website entitled: Public Participation Guide: Introduction to Public Participation states:

"Transparency represents the willingness of agencies to fully share the information, criteria, and deliberations of decision-making with the public. Without transparency, public input will not be based on the same considerations that decision-makers are actually using to make decisions. As a result, the public is unlikely to understand why decisions are made or how those decisions will impact them. Much public outrage is a result of not being provided complete and timely information, or being excluded from the process."

Meaningful engagement and public participation in Agency decision-making requires both transparency and accountability. Public oversight is especially important in light of recent efforts in regulatory reform aimed at expediting permit reviews and limiting the scope and application of the National Environmental Policy Act. In addition, the courts have ruled that the U.S. EPA's technical reviews are the functional equivalent of NEPA environmental analyses. In light of this new and emerging regulatory landscape, it is critical that the public has easy access to the information on which those analyses are based. The affected public should not have to independently pursue materials through the Freedom of Information process or specific requests for the Administrative Record. Agency policies that create barriers to direct access to critical information about a proposed project contradict the public participation provisions of NEPA.

I believe that the the Agency's review of the Class VI permit application by Marquis Carbon Injection LLC, did not provide timely public access to critical information about the project. This impeded independent technical reviews and was inconsistent with with the guidelines and principles established for the U.S.EPA.

In conclusion, I ask what is the legal basis for allowing important project information to be withheld by redaction, even when such information is clearly not proprietary? Secondly, what will the Agency do to make certain that technical information necessary for understanding future projects will not be similarly treated?

Thank you for the opportunity to place these questions and concerns in the public record.

Lan R. Richart, Co-Director
Eco-Justice Collaborative
919 W. University Avenue
Champaign, IL