

Aug. 10, 2023

Administrator Debra Shore
Director Tera L. Fong, Water Division
United States Environmental Protection Agency
Region 5
77 West Jackson Boulevard
Chicago, IL 60604-3590

Subject: Public comments on Class VI UIC injection well carbon storage draft permits
Wabash Carbon Services, Class VI UIC injection wells
Vermillion County, Indiana (IN-165-6A-0001)
and Vigo County, Indiana (IN-167-6A-0001)

Dear Administrator Shore and Director Fong,

I urge you to halt the issuance of both permits mentioned above. Please consider this a formal objection and enter it into the record.

My apologies for not delivering this message in person at the Aug. 10 hearing in Terre Haute; I was unable to attend. Thank you for the opportunity for written comments.

About me

My name is Andrew Lenderman and I'm a property owner within the impacted area. I'm also vice president of our family farm corporation, which will be significantly impacted by this project. Roughly 1,000 acres of our family business — a significant portion of both our farm and the entire project — would be impacted by this pending EPA permit.

I grew up in this region, and I help manage **our** family business and care for my relatives. These relatives live and work seven days a week within the plume area mapped in the draft permit.

My family began to settle in this region before statehood and the creation of Vigo County in 1816. These pioneers cleared fields, planted crops and paid the first taxes to establish a new state economy. Pioneer cemeteries are located throughout the area.

Over time, these small farms transformed into a modern agribusiness that feeds the world. These businesses also support local, state and federal government budgets with steady tax revenue and a positive economic impact throughout the region.

Our family's civic contributions through Indiana and Illinois Farm Bureau, state and local Chambers of Commerce, the Vigo County Soil and Water Conservation District, volunteer fire districts, cemetery boards and other causes have benefitted our state and national fabric over the last 200 years.

Extraordinary challenges

My family, this community, and the many small businesses in the surrounding area are faced with a frightening scenario. The following questions, for the record, are based on the Environmental Protection Agency's mission: To protect human health and the environment.

Current challenges, and questions about them:

1. Creation of a new and deadly pollution source that has the potential to shutter businesses, poison the water table and lead to injuries and fatalities for the people that live and work in the area. People live in the area in and around this project: Children, the elderly, all ages.

A. Has the agency prepared an estimate of possible fatalities and economic loss as a result of a pipeline rupture, well failure, or other accidents?

B. Has the agency prepared or briefed local emergency responders about the nature of an accident or spill as a result of this project?

C. People work at and attend Fayette Elementary School immediately between the two mapped plumes, and very near the proposed pipelines and injection well sites necessary to complete the project. Has the EPA communicated with state and local school officials, parents, residents and business owners about the location of the wells, and what safety procedures and emergency measures would be necessary to protect student health and that of the general population?

D. Has the agency compiled a summary or count of households or populations within the impacted mapped plumes, and surrounding areas?

2. Forcing a project onto a community by use of eminent domain and unconstitutional seizure of private property.

A. Is the agency willing to issue a permit to a project that would seize or condemn private property and natural resources to accomplish the objective?

B. Is the agency confident that issuing a permit under such circumstances would withstand a court challenge?

3. It's unclear if landowners will be compensated for this project if it does move forward. Even if landowners are compensated, one analysis shows the landowners could be paid less than one cent for every dollar the company makes. And, much of the funding for this project comes from generous federal tax credits passed by Congress and signed by the president.

A. Has the agency considered that this is an unjust economic situation for the people that live and work in this community?

- B. Has the agency considered that enabling this project could create political and public relations challenges with taxpayers and the Congress, that would impact other carbon sequestration projects across the country, in addition to other high-profile agency initiatives?

5. Economic impact and adequate financial resources for business shutdowns.

- A. Has the agency considered how an accident could impact the agricultural economy?

Indiana farms and ranches generate at least \$35 billion for the state economy. Dozens of these successful small businesses are located in the area of the proposed carbon sequestration project. These businesses have been ignored in the draft permit.

Owner operators and workers manage these businesses and farms year round. One accident could stop transport of millions of dollars worth of crops, and halt critical planting, harvesting, and other crucial work that occurs year-round to keep farms and ranches productive and exporting to the world.

These farms and ranches depend on clean water for growing crops, feeding animals and serving the families and workers that live and work in the community. A poisoned water table or well would result in significant economic loss for the entire region and long-term health consequences for the community.

Other businesses not related to agriculture are impacted by the permit; people that live in the region manage other enterprises.

I urge the agency to require additional financial resources to address potential negative impacts to this critical sector of our state and national economy.

6. Pipeline safety

- A. Will the pipeline be subject to state and federal laws and regulations, including an Indiana state statute that governs the transportation of carbon dioxide?

7. Missing wells

Because of incomplete records and community practices, it is likely that the agency has undercounted the number of drinking water wells in the Vigo County portion of the impacted area. This is a serious oversight and must be addressed immediately. Please contact me for details.

8. Agribusiness equals significant infrastructure

- A. Has the agency considered or conducted a thorough analysis of the infrastructure of farms, ranches, and other small businesses located within the impacted area?

Families and small businesses within the impacted area have invested significantly and steadily in infrastructure for many generations.

Examples include: High speed internet infrastructure that serves the community; complex automated grain storage, drying and transport systems; farmsteads, including maintenance shops, warehouses, scales, and seed, fuel and fertilizer storage; livestock barns and living areas.

Property rights and fair compensation

The landowner owns and retains the right to the pore space necessary to make this project possible. Wabash Valley Resources does not own it. Nor do the federal government, the state of Indiana, or Vigo County.

Issuing this permit will endorse an unfair and unconstitutional violation of private property rights. Consider: in Vigo and Vermillion Counties, there is no state threshold percentage for community members to agree to such a project. According to the EPA's recent letter, Wabash Valley Resources can begin injecting carbon as soon as this permit is issued. This means a landowner's pore space — and ours is among the best pore space in the world, by many accounts — would be filled up and used, with or without consent, and possibly without compensation of any kind to the community or landowners.

A recently passed state law, Indiana Senate Bill 451, would dramatically limit the amount of compensation paid to any landowner, even if the project did move forward.

A high-profile permit

The eyes of the nation and the world are watching this project. As you are aware, it is among the very first in the country to be issued a permit of this nature. By issuing the permit, the EPA is enabling these unconstitutional and grossly unfair practices to happen. I do not believe this is a good way to start a high-profile nationwide environmental program.

I understand tonight's hearing included many vocal opponents to this project. I genuinely believe these community members have been willfully sidelined, ignored, and dismissed throughout this process. One could even argue that this is an environmental injustice forced onto a community.

Thank you for the opportunity to comment.

Sincerely,

Andrew Lenderman
713 Fox Run Drive N.W.
Olympia, WA 98502
505.417.9105
jal505@msn.com