

In re Core Energy LLC
Appeal No. UIC 07-02
U.S. EPA Region 5
Response to Petition

ATTACHMENT 4

Region 5 Response to LeBlancs' Comments on Draft Permit



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

AUG 29 2007

REPLY TO THE ATTENTION OF:
WU-16J

CERTIFIED MAIL 7001 0320 0006 1459 0040
RETURN RECEIPT REQUESTED

Robert B. and Joan S. LeBlanc
9300 Island Drive
Grosse Ile, MI 48138

**Re: Public Comments on United States Environmental Protection Agency (USEPA)
Final Permit #MI-137-5X25-0001**

Dear Mr. and Mrs. LeBlanc:

Thank you for your comment on this permit, in which you request a public hearing on the issues of federal protection of land owners' and mineral owners' property rights, and the impact of carbon dioxide (CO₂) sequestration on those rights. We appreciate your taking the time to express your concerns regarding underground injection.

The scope of the federal Underground Injection Control (UIC) regulations is to determine the soundness of construction and operation of injection wells as they relate to the protection of all underground sources of drinking water (USDWs). A USDW is an aquifer or its portion which contains less than 10,000 milligrams per liter of total dissolved solids. A federal UIC permit for an injection well conveys permission to inject certain fluids based on U.S. EPA's finding that the construction and operation details of the well are protective of USDWs.

The UIC program does not have authority to determine surface, mineral, or storage rights when issuing permit decisions. Issues relating to property ownership or lessee rights are legal issues between the permittee and property owners. Under federal UIC regulations, a permittee is not required to demonstrate ownership or legal access to all properties, only that the operation of the well will not allow contaminants into a USDW. Issuance of a permit neither confers the right to trespass nor conveys property rights of any sort or any exclusive privilege; nor does it authorize any injury to persons or property, any invasion of other private rights, or any infringement of State or local law or regulations. This is the case with respect to all classes of wells, including those which inject CO₂ for permanent sequestration in an underground formation.

U.S. EPA did not receive enough public comments to warrant a public hearing, and no issues have been raised which indicate the draft permit violates any federal UIC requirement. Because the proposed injection operations of the State-Charlton #4-30 injection well meet all federal UIC requirements for environmental protection, the U.S. EPA issued a final permit for this well.

DP 8/22/07
JH 8/22/07
P.S. 8/22/07
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In accordance with Title 40 of the Code of Federal Regulations (40 CFR) Section 124.19, any person who filed comments on the draft permit or participated in the public hearing (if held) may petition the Environmental Appeals Board to review any condition of the final permit decision. Such a petition shall include a statement of the reasons supporting review of the decision, including a demonstration that the issue(s) being raised for review were raised during the public comment period (including the public hearing, if held) to the extent required by these regulations. The petition should, when appropriate, show that the permit condition(s) being appealed are based upon either, (1) a finding of fact or conclusion of law which is clearly erroneous, or (2) an exercise of discretion or an important policy consideration which the Environmental Appeals Board should, in its discretion, review. If you wish to request an administrative review, you must submit such a request by regular mail to the United States Environmental Protection Agency, Clerk of the Board, Environmental Appeals Board (MC 1103B), Ariel Rios Building, 1200 Pennsylvania Avenue, N.W., Washington, D.C. 20460-0001. Requests sent by express mail or hand-delivered must be sent to the United States Environmental Protection Agency, Clerk of the Board, Environmental Appeals Board, Colorado Building 1341 G Street, NW, Suite 600, Washington, D.C. 20005. The request must arrive at the Board's office within 30 days of the receipt of this notice of decision. For this request to be valid, it must conform to the requirements of 40 CFR Section 124.19. A copy of these requirements is attached. This request for review must be made prior to seeking judicial review of any permit decision.

If you have any further questions or concerns, please feel free to contact Leslie Patterson at (312) 886-4904 or by email to patterson.leslie@epa.gov.

Sincerely yours,

Handwritten signature of Lisa Perenchio dated 8/27/07

Lisa Perenchio, Chief
Direct Implementation Section

Enclosure

011-165-VIC MR. LESLIE PATTERSON-MI-157-5X25-0

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY	
1. Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. 2. Print your name and address on the reverse so that we can return the card to you. 3. Attach this card to the back of the mailpiece, or on the front if space permits.	A. Received by (Please Print Clearly)	B. Date of Delivery <i>8/27/07</i>
Article Addressed to: Mr. & Mrs. Robert B. LeBlanc 9300 Island Drive Grosse Isle, Michigan 48138	C. Signature <input checked="" type="checkbox"/> <i>LES</i>	
2. Article Number (Transfer from service label)	D. Is delivery address different from item 1? If YES, enter delivery address below:	
PS Form 3811, March 2001	3. Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D. 4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes	

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