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April 10, 2008

BY OVERNIGHT DELIVERY

US Environmental Protection Agency
Eurika Durr
Clerk of the Board, Environmental Appeals Board
1341 G Street, NW, Sixth Floor
Washington, DC 2005

Re: In Re: Beeland Group, LLC, Beeland Disposal Well #1, Appeal Nos. 08-01, 08-02 and 08-03

Dear Ms. Durr:

Enclosed please find an original and six copies of Intervenor/Respondent Beeland Group, LLC's Response to Petition Nos. 08-01, 08-02 and 08-03. Please return one file stamped copy to me in the enclosed self addressed postage paid envelope.

Thank you for your assistance.

Sincerely,

Gregory L. Berlowitz

cc: Service List

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

In Re:	)	
	)	
BEELAND GROUP, LLC	)	Appeal Nos. UIC 08-01,
BEELAND DISPOSAL WELL #1	)	08-02, and 08-03.
	)	
UIC PERMIT NUMBER: MI-099-1I-0001	)	
	)	

Intervenor/Respondent Beeland Group LLC's Response to Petition Nos. 08-01, 08-02, and 08-03

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Permittee and Intervenor-Respondent Beeland Group, LLC, by and through its attorneys Mayer Brown LLP and Zimmerman, Kuhn, Darling, Boyd, Quandt and Phelps, PLC, responds to consolidated Petition Nos. 08-01, 08-02, and 08-03 (collectively "Petitions") and hereby seeks dismissal of Petitions on summary disposition grounds.

Introduction

In 2007, Beeland Group, LLC, of Jackson, Michigan ("Beeland") applied to the United States Environmental Protection Agency ("EPA") for a permit to construct and operate a new Class I injection well in Antrim County, Michigan for the disposal of non-hazardous liquid waste. Beeland also applied to the Michigan Department of Environmental Quality ("MDEQ"), Office of Geological Survey ("OGS"), on January 5, 2007 for a non-hazardous injection well permit pursuant to the Mineral Wells Act, Part 625 of Michigan's Natural Resources and Environmental Protection Act, P.A. 451 of 1994, as amended ("NREPA").

On April 12, 2007, the EPA issued a draft permit for the injection well. The public comment period that followed lasted 107 days, ending on July 27, 2007—77 days above and beyond the 30-day period required by 40 C.F.R. § 124.10. The EPA and the MDEQ held a joint public hearing on June 13, 2007, in Alba, Michigan, which had been noticed to the public via newspaper on April 12th and May 13th. The EPA Region 5 UIC Branch also mailed public notices to interested parties. One-hundred ninety people attended the public hearing.

The EPA published its Response to Comments on February 7, 2008, and issued Beeland its final permit, effective March 12, 2008 (Permit number MI-009-11-0001).

The Environmental Appeals Board (the "Board" or "EAB") has received three Petitions, from the following parties, to review Beeland's Permit: Allen and Tricia Freize (UIC 08-01); Star Township, Antrim County, and Friends of the Jordan River (UIC 08-01); and Dr. John W.

Richter, President, Friends of the Jordan River Watershed (UIC 08-03) (collectively "Petitioners"). The Petitions were consolidated by Order of the Board on March 28, 2008. The Petitioners in 08-01 state that they are members of "Friends of the Jordan." Petition 08-03 is submitted by Dr. Richter and written on the letterhead of the "Friends of the Jordan River Watershed, Inc." Friends of the Jordan River, which is one of the Petitioners bringing Petition 08-02, and Friends of the Jordan River Watershed, Inc. are the same organization.[1] The only listing in the State of Michigan for a "Friends of the Jordan River" entity is for a nonprofit - "Friends of the Jordan River Watershed, Inc.," with registered agent John Richter. *See Corporation Division Business Entity Search Results,* from Michigan Department of Labor and Economic Growth, attached as Exhibit 1. For the purposes of this response, we will refer to each of the various Friends of the Jordan representations as "FOJR."

On March 28, 2008, this Board granted Beeland's Motion for Leave to Intervene and ordered that Beeland file its response seeking summary disposition of the Petitions by April 11, 2008. *See In re Beeland Group, LLC, Beeland Disposal Well #1,* UIC Appeal Nos. 08-01, 08-02, 08-03, slip op. at 4 (EAB, Mar. 27, 2008) (Order Consolidating Cases, Granting Motion to Intervene, and Granting Extension of Time).

Standard of Review

The Board's power to review "should only be sparingly exercised." 45 Fed. Reg. 33,290, 33, 412 (May 19, 1980). As the operative regulations provide, "most permit conditions should be finally determined at the Regional level." *Id.*

[1] Petition 08-02 refers to "Friends of the Jordan River, whose address is P.O. Box 412, East Jordan, MI 49727;" Petition 08-03 refers to "Friends of the Jordan River Watershed, Inc," whose address is P.O. Box 412, East Jordan, MI 49727.

> Thus it is infrequent that the Board will grant review in a permit appeal. The Board exercises this authority only when the petitions for review and the administrative record are abundantly persuasive that the Board's active involvement in the matter is warranted.

In Re: Steel Dynamics, Inc., 9 E.A.D. 740, 743-44 (EAB 2001) (quoting *In Re: Knauf Fiber Glass, GmbH*, 8 E.A.D. 1, 7 (EAB 2000) (denying review PSD permit). The petitioner bears the burden of demonstrating that review is warranted. *See In the Matter of: Renkiewicz SWD-18*, 4 E.A.D. 61, 66 (EAB 1992).

Appeals of UIC permits are governed by 40 C.F.R. Part 124. 40 C.F.R. § 124.1. In a Part 124 review, the Board "begins its analysis by assessing the petitioner's compliance with a number of important threshold procedural requirements," including timeliness, standing and preservation of an issue for review. *In Re: Sutter Power Plant*, 8 E.A.D. 680, 685 (EAB 1999); *see also Knauf Fiber Glass*, 8 E.A.D. at 5.

Preserving Issues For Appeal

To preserve an issue for appeal, a petitioner must demonstrate:

> that any issues being raised in an appeal were raised during the public comment period (including any public hearing) to the extent required by these regulations * * *.

40 C.F.R. § 124.19(a).

The applicable regulations require that:

> all persons who believe any condition of a draft permit is inappropriate * * * must raise all reasonably ascertainable issues and submit all reasonably available arguments supporting their position by the close of the public comment period (including any public hearing).

40 C.F.R. § 124.13; *see In Re: Core Energy, LLC*, UIC Appeal No. 07-02, slip op. at 2 (EAB Dec. 19, 2007) (dismissing petition for review where petitioners' comments were not sufficiently

specific to put the EPA on notice of the issues being raised for review) (internal citations omitted); *In Re: Sierra Pacific Industries*, 11 E.A.D. 1 (EAB 2003) (dismissing petition when petitioner failed to raise issues during comment period and when petitioner's comments lacked specificity). These requirements ensure "that the Region has an opportunity to address potential problems with the draft permit before the permit becomes final, thereby promoting the longstanding policy that most permit decisions should be decided at the Regional level, and to provide predictability and finality to the permitting process." *In re: New England Plating Co.*, 9 E.A.D. 726, 732 (EAB 2001); *see Sutter Power Plant,* 8 E.A.D. at 687.

Content and Scope of the Petition

A petition for review must contain certain fundamental information in order to justify consideration on the merits. *In Re Envotech, L.P.*, 6 E.A.D. 260, 264 (EAB 1996). The EAB has jurisdiction to review "any condition of the permit decision." 40 C.F.R. § 124.19. In order to properly challenge such a condition, the petition must include: (1) a statement of the reasons supporting review; (2) a demonstration that the issues were raised during the public comment period; and (3) a showing that the condition in question is based on "(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." 40 C.F.R. § 124.19(a).

On this latter point, "[p]etitioners must include specific information supporting their allegations. Petitions for review may not simply repeat objections made during the comment period; instead they must demonstrate why the permitting authority's response to those objections warrants review." *Knauf Fiber Glass*, 8 E.A.D. at 5 (EAB 2000); see also *Sierra*

Pacific, 11 E.A.D. at 6 (petitioner "must state his/her objections to the permit and explain why the permit issuer's previous response to those objections [during the comment period] is clearly erroneous, an improper exercise of discretion, or otherwise warrants review. Failure to do so may result in denial of review."); *In Re: Massachusetts Port Authority*, NPDES Appeal No. 07-16, slip op. at 3 (EAB Sept. 19, 2007) (denying review in part because petitioner failed to identify specific permit conditions and failed to demonstrate how those conditions were based on clearly erroneous conclusions, an improper exercise of discretion or an important policy consideration warranting review.)

Scope of Review Specifically for UIC Permits

Even for those issues that have been properly preserved during the comment period and properly presented in the petition, the grounds for review must be within the scope of the Safe Drinking Water Act (SDWA) and the UIC regulations themselves for the Board to have jurisdiction to review.

> As the Board has made clear on prior occasions, review of UIC permit decisions extends only to the boundaries of the UIC permitting program itself, with its SWDA-directed focus on the protection of USDWs, and no farther. Thus, the Board is only authorized to review UIC permit conditions to the extent that they affect a well's compliance with the SDWA and applicable UIC regulations. Accordingly, where petitioners raise concerns outside the scope of the UIC program, the Board will deny review.

Core Energy, slip op. at 3 (internal citations omitted); *accord In re Federated Oil & Gas of Traverse City*, 6 E.A.D. 722, 724 (EAB 1997) (holding that the Board had no authority to intervene on issues outside the permit process).

For the following reasons, each of the three Petitions fall outside of the narrow scope of review established for EAB review of UIC permits, and review therefore should be denied.

RESPONSE & ARGUMENTS REGARDING PETITIONS 08-01, 08-02, AND 08-03 ON SUMMARY DISPOSITION GROUNDS

A. Review of Petition 08-01 Should Be Denied for Lack of Standing and Failure to Meet the Fundamental Information Requirements of 40 CFR § 124.19

Petition 08-01, attached hereto as Exhibit A, is a one-page grievance letter that claims this is a "case of environmental discrimination" and calls EPA and MDEQ "environmental criminals." Because Petitioners lack standing and because Petition 08-01 fails to meet the "fundamental information" requirements of 40 C.F.R. § 124.19, review should be denied.

A person has standing and may appeal a permit decision only if that person participated in the permit process leading up to the permit decision, either by filing comments on the draft permit or by participating in the public hearing. 40 CFR § 124.19(a). Petitioners make no claim that they participated in the permit process. They make no claim that they filed comments. They make no claim that they participated in the public hearing. As a result, they lack standing for Board review.

In addition, Petition 08-01 contains no statement of the reasons supporting review, fails to demonstrate that the "environmental discrimination" issue or criminal allegations were raised during the public comment period, and does not identify any disputed "condition" or explain why EPA's decision on the condition is improper. The letter does not even seek review of the Permit, or any other specific form of relief that could be provided by the Board. The Petition therefore must be denied.

This case is very similar to *Massachusetts Port Authority*. In that case, a petitioner filed a letter opposing the issuance of a permit on the grounds that the permit would constitute an "assault" on the "fragile ecosystem" and contended that the permit demonstrated a flawed process at work. The EPA challenged review, claiming that the appeal was "meritless." The

Board agreed, denying review on three grounds: (1) the petitioner lacked standing because his petition failed to demonstrate that he commented during the comment period; (2) the petitioner failed to identify any specific permit conditions he was objecting to that allegedly changed between the draft and final versions of the permit; and (3) the petitioner made no attempt to demonstrate that any particular terms or conditions of the permit were based on findings of fact or conclusions of law that are clearly erroneous, an improper exercise of discretion, or an important policy consideration warranting Board review. *Massachusetts Port Authority*, at 3.

Review should be denied in this case for the same reasons. As with the Petitioner in *Massachusetts Port Authority*, Petitioners fail to demonstrate that they raised their grievances during the public comment period and thus lack standing to appeal the permit. They also fail to highlight any disputed "condition," mandating denial of review. *Id.* (Petition "must contain clear identification of the permit conditions at issue and argument that the conditions warrant review.") And, finally, as this Board held in *Massachusetts Port Authority*, review will be denied when petitions lack the requisite specificity. Petitioners' one-page letter, which complains about "environmental discrimination . . . in a fragile watershed" and calls EPA and MDEQ "environmental criminals," but provides no concrete permit conditions or violations of UIC or SDWA regulations, falls squarely into this category. Review of Petition 08-01, therefore, should be denied for lack of standing and for failure to meet the fundamental information requirements of 40 CFR § 124.19.

B. Review of Petition 08-02 Should be Denied for Failure to Challenge Conditions of the Permit, Failure to Meet Fundamental Information Requirements, and Failure to Challenge Conditions Within the Scope of Board Review

Star Township, Antrim County, and Friends of the Jordan River ("Petitioners") filed Petition 08-02. Petitioners challenge the following eight permit "conditions:"

1. The Permit conditions are not protective of the drinking water.
2. The conclusion that the Bell Shale is an impermeable confining zone is erroneous as no data to support this conclusion was submitted.
3. There is insufficient data on the quality of the injected fluids, existing reservoir conditions, and effect of the injectate on the surrounding material and fluids.
4. Waste characterization and effects of the leachate were not appropriately considered.
5. The EPA's [sic] failed to require documentation and analyze the environmental consequences and potential for adverse effects in violation of the SDWA and NEPA.
6. The public was not provided with all relevant information for purposes of full and fair public participation which is an inappropriate exercise of discretion by the EPA.
7. Policy considerations warrant review of the permit.
8. The EPA failed to include an analysis focused particularly on the low-income community whose water is threatened in violation of the environmental justice provisions under Executive Order 12898 and 40 C.F.R. § 144.52(a)(9).

Pet. 08-02, at 5.

Petition 08-02 must be dismissed in its entirety. As demonstrated in detail below, each challenge to an alleged condition of the permit is fatally flawed.

1. Review Must be Denied for Petitioners' Argument that the Permit is not Protective of the Drinking Water and not Supported by the Record

Petitioners allege that "the Permit is not protective of drinking water and is not supported by the record." *Pet.* 08-02, at 8. In support of their allegations, Petitioners state that Permittee is required "to provide sufficient data to demonstrate that the USDWs will be protected" and enumerate the "key areas of information." *Id.* Review of this issue must be declined. First, the issue raised is an attack on the permit application. Petitioners do not cite any authority, nor has Beeland been able to find any, that a challenge to the Permittee's application, standing alone, is a sufficient basis for review by the Board. *Compare* 40 C.F.R. § 124.13, *Obligation to Raise*

Issues and Provide Information During the Public Comment Period, (establishing requirements for submitting comments for persons who believe "any condition of a draft permit is inappropriate") *with* 40 C.F.R. § 124.19, *Appeal of RCRA, UIC, NPDES, and PSD Permits* (establishing requirements for petitions to review "any condition of the permit decision"); *see also, e.g., Envotech*, 6 E.A.D. 260 at 283-85 (where allegations of inadequate application materials have been made, review will not be granted unless the Petitioner can demonstrate that the additional information would have led the Region to a different conclusion).

Furthermore, Petitioners' challenge must be dismissed as it fails to include the fundamental information necessary to justify consideration on the merits. Petitioners' argument on this claim lacks any clear identification of any disputed permit conditions, as is required by the regulations. *Massachusetts Port Authority*, at 3. This vagueness alone is fatal to the Petition. *Envotech*, 6 E.A.D. at 267-71 (review denied when petitioners raised general issue of safety and failed to identify any specific condition in the permit allegedly creating a safety risk).

Finally, and perhaps most importantly, Petitioners make no attempt to explain why EPA's response on this issue was based on erroneous findings of fact or conclusions of law or an improper exercise of discretion. EPA plainly determined that the application was adequate, that the proposal complied with the regulatory requirements and that the well would be protective of drinking water. See EPA Response to Comments *Background* at 2-3. As EPA explained to Petitioners,

> EPA has established the UIC regulations to protect underground sources of drinking water. The likelihood of a leak is very small, and the risk of contaminating an underground source of drinking water is much smaller. This conclusion is based both on the protectiveness of the UIC technical specifications when they are applied to a particular well application, and the real world experience. Information has been generated for many years from near-by wells injecting brine waters with contaminant levels

> similar to the proposed Beeland Group well into the same injection zone. Beyond the data from the existing near-by brine wells, the design, engineering, construction, operation and maintenance requirements applicable to the Beeland Group permit application provide a very high level of confidence that a leak will not occur. If one should occur through the injection process, the leak will be detected very quickly and the injection well will cease operating until the problem is corrected. These measures, and others required in the permit, all serve to ensure that operation of the well will not contaminate USDW.

EPA Response to Comments, *Issues Related to Bay Harbor* Response to Comment 19 at 7.

Petitioners' failure to point out the error in this and similar statements in the record concerning the permit's ability to protect drinking water compels denial of review.

2. Review Must be Denied for Petitioners' Argument that the Conclusion that the Bell Shale is an Impermeable Confining Zone is Erroneous

Petitioners next assert that use of the Bell Shale as a confining layer is erroneous because EPA assumes "that the Bell Shale will be a confining layer without any evidence that this is in fact the case," citing a lack of "documentation or data in the application for Permit to substantiate that the USDW will be protected by the Bell Shale." *Pet.* 08-02, at 9. Petitioners also argue that not all shale formations are impermeable and "that the permeability of the Bell Shale in the area of the Injection Site has not been definitely determined, therefore it cannot be considered a 'cap' rock or seal . . . [t]his constitutes error by the EPA in the issuance of the Permit and in their Responses to Comments that state that the Bell Shale will be a confining zone." *Pet.* 08-02 at 10.

As a threshold issue, this issue was not preserved for appeal. None of the numerous comments cited by Petitioners address this specific issue and thus fail to alert EPA to Petitioners' belief that EPA's determination that the Bell Shale will act as an impermeable confining zone is unsupported by data. Most of the comments identified by Petitioners have little or nothing to do

with the Bell Shale.[2] Even the one comment that mentions the Bell Shale does not target the issue raised in the Petition. The comment asked:

> Have geophysical surveys thoroughly ascertained the absence of permeable fracture in the Bell Shale above the injection layer?

EPA Response to Comments, *Geology/Watershed and other technical issues*, Comment 22 at 32.

This question does not indicate that EPA failed to base its permit decision on adequate data. Rather, it asks whether certain surveys have demonstrated the absence of a fracture in the Bell Shale. Such a question does not alert EPA to the Petitioner's concern over the absence of <u>any</u> data to support EPA's conclusion about the Bell Shale. Consequently, the issue was not preserved for review.

As with the first "condition," the Petitioners also fail to link EPA's response on this point to an erroneous application of law or fact or an improper exercise of discretion. As this Board has made clear, "[p]etitioners who challenge a Region's technical decision must carry a significant burden in order to demonstrate that the Region's decision is in error. In general, absent compelling circumstances, the Board will defer to a Region's determination of issues that depend heavily upon the Region's technical expertise and experience." *Envotech,* 6 E.A.D. at 284 (denying review when petitioner challenged EPA's technical conclusions about the geology in the area).

The situation in *Envotech* is identical to the one presented here. In that case, petitioners took issue with EPA's preliminary decision that the site was "geologically suitable" for injection. The EAB denied review, explaining that "absent obvious flaws in the Region's technical

[2] For example, Petitioners question why construction is allowed when there is no separation between the USDW and injection zone (Comment 15), what are the chances leakage will occur (Comment 25), what environmental impact studies have been performed (Comment 31), whether the ground is porous enough for migration (Comment 11), whether the well will increase the risk of injection fluid entering the aquifer via failure in other wells (Comment 21), and whether the waste is properly characterized as non-hazardous (Comment 19). Additional comments cited question the effect of injection pressure (Comment 35) and note that not all of the separation is solid rock but some is limestone (Comment 36).

judgment that the site is 'geologically suitable' for drilling, construction, and further testing, the Region's decision will be upheld." *Id.* The Board reasoned that such an approach was particularly appropriate because the Region was only authorizing the permittee to drill, construct, and test the wells as opposed to permitting immediate injection. *Id.* The same is true here. The permit provides that injection may not commence until results of testing have been submitted and approved by the Director of the Water Division of EPA ("Director"). *See* Permit at 12-13; 40 C.F.R. § 146.14(b).[3] Consequently, review of what is a preliminary technical decision by EPA on the geologic suitability of the site for the proposed well is unwarranted.

Petitioners contend that EPA's determination is based on a lack of evidence. To the contrary, EPA's technical determination is based on geologic records and years of experience with other wells injecting into the same zone. In Response to Comments, EPA stated that the Bell Shale "is mainly shale with a thickness of 100 feet. Shales have very low permeability and prevent vertical migration of fluid." EPA Response to Comments, *Geology/Watershed and other technical issues*, Response to Comment 36 at 35. EPA also explained:

> Drillers' logs and formation records from nearby wells are used to determine the geological data from both the confining zone and injection zone. The geology of Michigan is relatively consistent. Because of this, there should be no significant change in the geology between the proposed injection well and nearby disposal wells. Data gathered from hundreds of wells that have been permitted by our office, together with technical studies of the

[3] Before any injection can commence, data generated from the well drilling and construction must be submitted to the Director for consideration. This information, along with all available logging and testing program data on the well, the mechanical integrity of the well, the maximum anticipated pressure and flow rate, the results of the formation testing program, the injection procedure, the compatibility of the injected waste with fluids in the injection zone and the confining zone, and the status of corrective action on defective wells in the area of review must be submitted to the Director for consideration and approval before the well may be operated. 40 C.F.R. § 146.14(b)(1-7).

Per Part 625, *Mineral Wells,* of the NREPA, extensive testing is required to ensure the suitability of the injection zone for disposal and that the confining zone is adequate to confine any disposed of fluids. This testing, which utilizes fresh water or brine, is required prior to the Supervisor of Mineral Wells confirmation of the well and prior to any disposal.

> geology of Michigan (i.e. The Hydrogeologic Atlas of Michigan), demonstrate that the Dundee Limestone injection zone exits at that location [the injection area] and over most of the State of Michigan.

Id., EPA Response to Comments, *Geology/Watershed and other technical issues*, Response to Comment 37 at 35-36.

> Theoretically, contaminants could migrate to the USDW either by a pathway connected directly to the injection zone or by a leak from the injection well near the USDW. Geologic records demonstrate that there are confining layers [the Bell Shale] between these two strata which would prevent significant migration of contaminants from the injection zone to the USDW. After years of other nearby wells injecting brine into the same injection zone proposed by Beeland Group, there is no indication of a pathway between the injection zone and the USDW.

Id., EPA Response to Comments, *Monitoring and Legal Issues*, Response to Comment 25 at 22.

Accordingly, even assuming for the sake of argument that Petitioners have shown that the permeability of the Bell Shale is open to debate (which they have not), they have failed to point out "obvious flaws" in EPA's "technical judgment" or otherwise explain why the Board should jettison its usual deference to EPA's technical expertise, particularly when here, as in *Envotech*, the permit will allow only drilling, constructing and testing until the Director grants written authorization to commence injection. See Permit at 12-13 (providing a list of requirements that must be satisfied before a permittee may commence injection); *see also Envotech,* 6 E.A.D. at 284; *In Re: American Soda, LLP*, 9 E.A.D. 280, 300-01 (EAB 2000) ("In cases where the views of the Region and the petition indicate bona fide differences of expert opinion of judgment on a technical issues, the board typically will defer to the Region.") (internal citations omitted).

Furthermore, as pointed out by EPA in its Response to Comments, the regulations do not require a confining zone, let alone one that is 100% impermeable. EPA noted:

> Although not specified in the UIC siting requirements, EPA also requires a confining layer . . . The proposed injection well also complies with this requirement. . . . The presence of fractures in a

> confining zone does not automatically disqualify it as an adequate confining zone. A fracture must be long enough vertically to allow fluid to move through the formation. The proposed confining zone for this site is the Bell Shale, which is approximately 100 feet thick, and the injection zone (Dundee Limestone) is approximately 2,150 feet below the surface. For a fracture to allow injection fluid movement, it would have to extend 1,250 feet from the injection zone to the base of the lowermost underground source of drinking water, and injection would have to take place at a sufficient pressure to keep the fracture open. The likelihood of such a pressure being generated, much less maintained, is extremely remote, and is not considered to be a factor at this site. The injection pressure for this site will be monitored and limited to 150 psig to assure no possibility of fracturing.

EPA Response to Comments, *Background Section* at 2; *see also* EPA Response to Comments, *Geology/Watershed and other technical issues,* Response to Comment 22 at 32. Consequently, the Petition's emphasis on this point is misplaced. EPA's conclusion that the Bell Shale is an impermeable confining zone is not erroneous; it has been carefully considered and is clearly supported.

3. Review Must be Denied for Petitioners' Argument that there is Insufficient Data on the Quality of the Injected Fluids, Existing Reservoir Conditions, and Effect of the Injectate on the Surrounding Material and Fluids

Petitioners' third issue suffers from many of the same problems associated with the first two. The argument has two parts. The first is an attack on Beeland's permit application. Petitioners claim that Beeland failed to submit "sufficient data on the quality of the injected fluids and reservoir conditions," and fills a page with a list of data Petitioners would like to see. *Pet.* 08-02 at 12. The Petition also takes issue with various models and maps used by Beeland in its application. Review of this issue must be denied on several grounds.

First, the issue was not preserved for appeal. Petitioners apparently concede this point, as they have failed to direct the Board to any comment on this topic. Second, Petitioners improperly attack the permit application instead of a condition of the permit. *See supra*, page 9,

(comparing § 40 C.F.R. 124.13 ("condition of a draft permit") with 40 C.F.R. § 124.19 ("any condition of the permit decision"); *see also Envotech,* 6 E.A.D. at 260 (petitioners make no attempt to show that different information "would have led the Region to a different conclusion at this stage of the process.") Third, the Petition fails to explain why EPA's response on this issue is clearly erroneous. The Petition cannot and does not cite to a specific EPA response to a comment because the issue was not raised in the comments and thus no response was given. Finally, the issue falls outside the narrow scope of UIC permit review, which is limited to the "well's compliance with the SDWA and applicable UIC regulations." *Core Energy,* slip op. at 4. Petitioners challenge the application for failing to include a laundry list of information, yet they do not cite to any provision of the SDWA or the UIC regulations requiring such data.

The second part of Petitioner's argument targets EPA, alleging that EPA's Response to various comments was erroneous in that EPA failed to address the fact that the "injected CKD leachate is a different substance than presently exists in the targeted Dundee formation." *Pet.* 08-02 at 11-12. Once again, this issue was not raised in the comments and thus not preserved for appeal. Further, the issue does not relate to a condition in the Permit, Petitioner does not explain how this issue relates to the SDWA and UIC regulations (it is self-evident that underground injectate will typically be different from the substances already present in the injection formation), and Petitioner fails not only to identify EPA's position on this point, but fails to explain why that position is clearly erroneous. As such, there is nothing for this Board to review.

Beeland has identified one comment and corresponding response that tangentially relates to the issue as stated in the Petition. One commenter stated that "the variability and unspecific characteristics of the injectate has the potential to react with the formation and entrained fluids." EPA's response is sound, and Petitioners make only the most general allegation of erroneous

conclusions by the EPA. No specific objection, however, is made to the following EPA responses:

> As a part of the permit application, Beeland Group submitted four analyses of the injectate that were taken over a three month period. While there is some variability in the concentrations of some of the analytes, none of constituents are at concentrations that EPA would deem hazardous. An understanding of the fate and interactions of the fluid and the surrounding material is only required for hazardous waste disposal. Since the waste stream is non-hazardous, this is not required for this well. However, this fluid is currently being injected into a commercial nonhazardous disposal well (Davis 1-19) that uses the Dundee Limestone as a part of the injection zone. The Davis 1-19 has not seen any adverse reactions from disposal of Bay Harbor waste. The Agency does not anticipate any adverse reactions between the injection zone and the injectate.

EPA Response to Comments, *Geology/Watershed and other technical issues*, Response to Comment 39 at 36. Accordingly, review of this issue is not warranted.

4. Review Must be Denied for Petitioners' Argument that the Waste Characterization and Effects of the Leachate were not Appropriately Considered.

Petitioners allege that EPA's conclusion that the leachate is non-hazardous is erroneous.[4] *Pet.* 08-02, at 15. Petitioners again failed to challenge a condition of the permit decision. The Permit allows Beeland to "construct and operate a newly drilled Class I non-hazardous injection well located in Michigan, Antrim County," and states that "the injection of any hazardous fluid as specified in 40 CFR Part 261 is prohibited." Permit, at 1. The only condition of the permit

[4] Petitioners also cite 40 CFR 146.70, stating that "the EPA has the obligation to assure that the requirements of the UIC program are met." Pet. 08-02 at 15. The regulation cited, however, applies only to Class I hazardous waste injection wells. See 40 C.F.R. § 146.70 ("This section sets forth the information which must be evaluated by the Director in authorizing Class I hazardous waste injection wells.") The Permit allows only the injection of nonhazardous fluid, which makes the regulations inapplicable absent some showing of a unique or distinctive threat to underground sources of drinking water. *See In re Suckla Farms*, 4 E.A.D. 686, 699-700 (EAB 1993)(rejecting petitioners' argument that technical criteria should be supplemented with hazardous waste injection well criteria because petitioners offer no site-specific reasons to conclude that injection of non-hazardous fluid into the particular well poses a unique or distinctive threat to USDWs). Here, Petitioners have not attempted such a showing, making review inappropriate.

decision applicable to Petitioners' concerns raised here is that the fluid that the Permittee injects into the well be non-hazardous. Contrary to Petitioners' suggestion, the Permit expressly prohibits Beeland from injecting hazardous waste. Petitioners have not argued, nor could they, that it was clear error for the EPA to condition the permit decision on requiring that the fluid be non-hazardous or that such a condition is not sufficiently protective. *See In Re: American Soda, LLP*, 9 E.A.D. at 296 (denying review where petitioners alleged inadequate basis for conclusion that injection fluids were nonhazardous and permit only allowed injection of nonhazardous fluids).

Even if EPA's characterization of the waste as nonhazardous is properly considered a condition of the permit decision, Petitioners' allegations still do not warrant review. Petitioners claim that the EPA's analysis is inadequate because it focused solely on the lowering of pH and "there has been no analysis submitted on the effect of the other constituents in the leachate." *Id.* at 15. The EPA stated unequivocally:

> The composition of the waste stream is known. Representative sample analyses were submitted to EPA when the permit application was submitted. The waste to be received by the well has been evaluated and determined to be non-hazardous.

EPA Response to Comments, *Monitoring and legal issues*, Response to Comment 18 at 20.

> We are not aware of any basis to characterize this wastestream as anything other than non-hazardous.

Id. at Geology/Watershed and other technical issues, Response to Comment 19 at 31.

> During the review of the permit application, EPA determined that the provided analyses were sufficient for describing the proposed waste stream.

Id. at *Monitoring and legal issues*, Response to Comment 38 at 26. The EPA defined "hazardous waste" in its comments to include any waste that is listed in 40 C.F.R § 261.31-

261.3, or if the waste exhibits any of the following characteristics and is not specifically excluded from regulation as a hazardous waste in 40 C.F.R. § 261.4: ignitability, corrosivity, reactivity, and toxicity. *Id. at Geology/Watershed and other technical issues,* Response to Comment 15 at 30. Clearly, EPA's conclusion that the waste stream is non-hazardous is not limited to its pH, nor have the Petitioners offered any evidence that the conclusion of the EPA's analysis is clearly erroneous.[5]

Petitioners also make what appears to be a last-minute argument in their brief, alleging that the "conditions in the Permit designed to control corrosivity are also inadequate." *Id.* at 16. First, this is not a challenge to any specific permit condition because the permit expressly states that only non-hazardous fluid may be injected; by definition, corrosive fluid is hazardous and may not be injected. Second, EPA has adequately addressed this issue. In its response to comments, EPA stated unequivocally:

> The injection fluid is not corrosive. Before shipment, the fluid must meet a pH level that is non-hazardous. If the leachate has a pH that is at a hazardous level, it will be treated to reduce the pH prior to shipment.

EPA Response to Comments, *Geology/Watershed and other technical issues*, Response to Comment 5 at 27. Petitioners make no effort to explain why this response is erroneous. Review must be denied.

5. Review Must be Denied for Petitioners' Argument that the EPA Failed to Require Documentation and Analyze the Environmental Consequences and Potential for Adverse Effects in Violation of the SDWA and NEPA

While Petitioners again have failed to identify a specific permit condition or demonstrate that the condition warrants review, their argument on this point is especially unclear. They seem

[5] Petitioners state that "[t]here will be surface facilities at the Injection Site, including pipelines and tanks that will be corroded by the CKD leachate." *Pet.* 08-02 at 16. The Petitioners' allegation warrants no further consideration by the Board. The EPA informed the public that the leachate would be treated *prior* to leaving Bay Harbor and Petitioners have not claimed otherwise. *See EPA Answers Questions About Beeland Well Project*, Response to Comment 29.

to be alleging that EPA was required to perform a NEPA review, or at least a review of environmental consequences associated with issuing the permit and that it did not perform such a review. In *Western Nebraska Resources Council v. EPA*, 943 F.2d 867, 871-72 (8th Cir. 1991), the 8th Circuit Court of Appeals specifically rejected that assertion—that an independent NEPA review is required when EPA issues a permit pursuant to the SDWA. The court found that a separate NEPA analysis was not required because the SDWA mandates "specific procedures for considering the environment that are functional equivalents of the impact statement process." *Western Nebraska*, 943 F.2d at 871-72. This Board previously has reached the same conclusion. *In Re: American Soda, LLP*, 9 E.A.D. at 291 (finding 40 C.F.R. § 124.9(b)(6) dispositive on the question of the UIC permit program's functional equivalence to NEPA). Accordingly, Petitioners apparent contention that a NEPA review was required is contrary to the law.

Petitioners also allege that EPA's shortcomings on the environmental impact front violated the SDWA. To the contrary, when this issue was raised in the comments, EPA identified the "specific procedures for considering the environment" (discussed in *Western Nebraska* and set forth in the SWDA) and explained its finding that the permit application complied with these provisions:

> [T]o obtain a permit for a new Class I well, an applicant must provide sufficient data to demonstrate that USDWs will be protected. The key areas of information are: 1) geological considerations used in the well siting and design, especially information on all USDWs penetrated by the injection well; 2) the structural integrity of the well; 3) the specific operational considerations used in well design; 4) information on the status of wells in the area of review that penetrate the injection zone; and 5) the proposed monitoring of the facility. The monitoring program must consider quantity and quality of injected fluids and existing reservoir conditions. Operators must submit data on all existing and abandoned wells that penetrate the injection zone within the area of review of all newly drilled or converted injection wells.

> Additionally, the applicant must submit information that would allow calculation of the injection pressure curve. This submittal must detail the casing and cementing information for all wells in the area of review. The permitting authority uses this information to determine if wells in the area of review require corrective action prior to commencement of injection The applicant must also provide an appropriate demonstration of financial responsibility for operation and closure of the facility.
>
> . . .
>
> The technical review of the application indicated that all EPA requirements necessary to prevent adverse impacts are met for this proposed UIC well.

EPA Response to Comments, *Monitoring and legal issues*, Response to Comment 31 at 23-24.

The Petition fails to explain why this response is clearly erroneous or an improper exercise of discretion and merely repeats the comment made during the comment period. This is not enough. As this Board has repeatedly held, "Petitions for review may not simply repeat objections made during the comment period; instead they must demonstrate why the permitting authority's response to those objections warrants review." *See In re: Hecla Mining Company (Grouse Creek Unit)*, NPDES Appeal No. 02-02, slip op. at 14 (EAB, July 11, 2002); *see also In re: Tondu Energy Company*, 11 E.A.D. 710, 720 (EAB 2001). Petitioners have failed to show either that the EPA failed to conduct a review of the environmental consequences pursuant to SDWA, or that the review EPA did complete was clearly erroneous or an improper exercise of discretion. The Board therefore must deny review.

6. Review Must be Denied for Petitioners' Argument that the Public was not Provided with all Relevant Information for Purposes of Full and Fair Public Participation

Petitioners make the blanket statement that a number of EPA's responses to the public comments are erroneous. However, Petitioners do not tie or in any way link the EPA's responses to any specific permit conditions of Beeland's Permit. Petitioners also fail to demonstrate that

any particular response to comments was based upon a finding of fact or conclusion of law which is clearly erroneous or an improper exercise of discretion.

The core of Petitioners' argument on this point is vague and unclear. Petitioners argue that EPA must issue a response to comments and that EPA must base its final permit decision on the administrative record. But Petitioners do not claim that EPA failed to issue a response to comments or explain why they believe EPA's decision was not based on the administrative record. In fact, EPA left the public comment period open for 77 more days than is required to ensure that all interested persons were able to submit comments and EPA could fully respond to each one. Further, the EPA reviewed the issues raised by the public after the close of the public comment period, gathered information to clarify those issues, and developed its responses. Pursuant to 40 C.F.R. § 124.17, the EPA included in the administrative record any document cited in its response to comments. See Response, at 3. Due to their lack of specificity, failure to identify a permit condition and failure to explain their position, Petitioner's arguments fall outside of the scope of review authorized for a UIC permit proceeding.

The two cases cited by Petitioners are inapposite. In *In re Rockgen Energy Ctr* there was "no verifiable indication in the administrative record" that the Wisconsin DNR considered the public comments before issuing the permit., 8 E.A.D. 536, 556 (EAB 1999) (review denied in part and remanded in part.). Likewise, in *In re Atochem N. Am. Inc.,* the Region responded to only one of two sets of written comments submitted by the petitioner. 3 E.A.D. 498, 499 (EAB 1991).

In stark contrast, in the instant case every indication is that the EPA gave the comments submitted the serious consideration lacking in *Rockgen* and *Atochem.* The EPA published a fact sheet responding to more than 35 comments and filed a 52-page response to comments, in which

scores of comments in eleven distinct categories received thoughtful responses and were made a part of the administrative record. Petitioners simply have not, and cannot, allege that the EPA failed to give a written response to any portion of the comments submitted or that the final permit decision was not based on the administrative record.

7. Petitioners Fail to Show Policy Considerations Warrant Review

In order to challenge properly a condition of a permit, the petitioner must meet one of several requirements, one of which is to demonstrate that there is an important policy consideration which the Board should, in its discretion, review. Petitioners claim that the permit and the EPA's response to Comments are inconsistent with Executive Order 12898, *Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations.* This argument is addressed below, in response to Comment 8, where it is more appropriate.

The Petition's second comment in this section is that no evidentiary hearings were held. As noted above, the EPA and the MDEQ held a joint public hearing on June 13, 2007, in Alba, Michigan, which had been noticed to the public through The Gaylord Herald Times on April 12th and May 13th. The Petitioners make no argument that there are any statutory or regulatory mandates under SDWA or UIC regulations requiring an evidentiary hearing, nor do they assert that the EPA violated any statutory or regulatory authority, or made any erroneous findings of fact regarding a permit condition as a result of any lack of an evidentiary hearing.[6] The Petition states that "the mandates of the SWDA and the UIC compel further study and investigation on these issues before a permit should have been issued." The Petitioners, however, fail to provide any citation or indicate any statutory authority for this statement, and accordingly there is no support for their argument that important policy considerations warrant Board review.

[6] Regulations on conducting public hearings, for which the Director and the Regional Administrator are responsible, are found at 40 C.F.R § 124.12.

8. Review Must be Denied for Petitioners' Argument that the EPA Failed to Include an Environmental Justice Analysis

Petitioners claim that a remand of the permit is warranted because of "strong policy considerations" associated with environmental justice. *Pet.* 08-02, at 19. Specifically, Petitioners state that there is a strong policy consideration warranting review "due to the undisputed fact that this leachate is being trucked from an extremely affluent subdivision to a poor rural community for disposal." *Id.*

As a threshold matter, environmental justice concerns cannot be used by EPA to deny issuance of a UIC permit. As the Board has stated:

> We have consistently interpreted the Agency's permitting role under the UIC program as being limited to implementing the requirements of the SDWA and the UIC regulations promulgated under the SDWA. Thus, the Agency has no authority to deny or condition a permit where the permittee has demonstrated full compliance with the statutory and regulatory requirements. . . . Accordingly, if a UIC permit applicant meets the requirements of the SDWA and UIC regulations, the "Agency must issue the permit, regardless of the racial or socio-economic composition of the surrounding community and regardless of the economic effect of the facility on the surrounding community."

Envotech, 260 E.A.D. at 280-81. There are, however, two areas of discretion in the UIC permitting process that allow EPA to respond to concerns about environmental justice. The agency may (1) ensure early and ongoing opportunities for public participation in the permitting process, and (2) pursuant to UIC regulatory "omnibus authority" contained in 40 C.F.R. § 144.52(a)(9), the EPA may conduct a disparate impacts analysis. *See Envotech*, 6 E.A.D. at 279. Petitioners do not make any allegations of inadequate opportunities for public participation vis-à-vis environmental justice. Rather, Petitioners' claims relate to alleged disparate impacts of the proposed UIC well. These claims fail, however, to create a cognizable basis for remand.

Petitioners allege that the EPA did not address low-income demographics in the location of the proposed UIC well. The EPA, however, conducted an Environmental Justice Screening Evaluation, which "did not indicate the presence of environmental justice concerns that require further evaluation or response in the area of the proposed UIC well." *See EJ Screening Eval.*, dated September 27, 2007. *See also Envotech*, 6 E.A.D. at 280 (as part of its omnibus authority, the Region may perform "a disparate impacts analysis when there is an allegation that the drinking water of minority or low-income communities may be particularly threatened by a proposed underground injection well."). As part of the EPA's screening evaluation, the agency collected sociodemographic data for radii around the study area and determined that it does not contain a disproportionate percentage of minority or low-income people, the population does not suffer language or education barriers that would hinder participation in the process, nor does the population include a disproportionately large concentration of children and elderly. *See EJ Screening Eval.*

Petitioners do not claim that the EPA's survey was clearly erroneous or provide any other justification for why it warrants review. *See, e.g., In re Environmental Disposal Systems, Inc.*, 8 E.A.D. 23, 36 (EAB 1998) (denying review where the petitioner failed to show that the EPA's determination that an application for a UIC permit does not qualify as an environmental justice case was erroneous or otherwise warrants review); *see also* EPA Response to Comments, *Environmental Justice*, Comment 1 at 10. Nor can Petitioners argue that environmental justice concerns affect the application of substantive regulations. *Envotech*, 6 E.A.D. at 278 ("we conclude that the Executive Order does not purport to, and does not have the effect of, changing the substantive requirements for the issuance of a permit under RCRA and its implementing

regulations") (*quoting In re Chemical Waste Management*, 5 E.A.D. 70-72 (EAB 1995) and applying it to the UIC permitting context).

The Board therefore should deny review of any environmental justice-related issues. Petitioners failed to preserve review of the adequacy of the EPA's disparate impacts analysis and have not alleged any inadequacies in the other areas where the EPA might have exercised its discretion to address environmental justice issues.

C. **Petition 08-03 Should be Denied Review Because the Petitioners Lack Standing, Fail to Challenge Conditions of the Permit, Fail to Meet the Fundamental Information Requirements of 40 CFR § 124.19 and Fail to Challenge Conditions Within the Scope of Board Review**

Petition number 08-03 consists of a 22 page compilation of letters, "Community Forum" comments, photocopies of newspaper articles, township meeting minutes, and 2 pages of unlabelled, seemingly random sampling results, submitted under two apparently separate cover letters—one on the letterhead of Friends of the Jordan River ("FOJR") and the other on the letterhead of Antrim Conservation District ("ACD").

At the outset, it is not clear who the Petitioners are. *See supra* pg. 7, n.1. Dr. John W. Richter, the submitter of Petition 08-03, is the President of Friends of the Jordan River Watershed, one of the Petitioners in Petition 08-02, and the author of the first letter in Petition 08-03. The letter does not indicate, however, whether Petition 08-03 seeks to represent Dr. Richter as an individual, or on behalf of FOJR. His letter uses "we" in its request for relief, implying relief on behalf of the organization. If the letter seeks to represent FOJR, the Board should deny review on the grounds of redundancy because FOJR is a Petitioner in Petition 08-02. If the letter seeks to represent Dr. Richter as an individual, Petition 08-03 should be dismissed for lack of standing because the Petition fails to allege that Dr. Richter participated in the public comment period as an individual.

Similarly, the second cover letter, from Heidi S. Lang, the Soil Erosion Officer for the Antrim Conservation District, also is unclear. See *Pet.* 08-03 at 15. The letter does not indicate whether the ACD is being represented, or Ms. Lang as an individual. The letter uses "I" in its request for relief, implying relief on behalf of the individual. In either case, because neither Ms. Lang nor the ACD allege that they participated in the public comment process, neither Ms. Lang nor the ACD has standing before the Board. ACD's participation in the March 8, 2008 "Community Forum" does not establish standing, as it occurred more than 7 months after the end of the public comment period.

1. Petition 08-03, Friends of the Jordan River Letter

The first cover letter, styled as a petition for review, appears on FOJR letterhead. FOJR submitted Petition 08-02, together with Star Township and Antrim County. Neither FOJR nor Dr. Richter have offered any authority, and Beeland has not been able to find any, for submission of a second petition by FOJR.

Even if Dr. Richter did have standing or FOJR could submit a stand-alone petition in addition to Petition 08-02, the letter is lacking in the threshold requirements necessary for review. As noted above, any issue raised on appeal must have been preserved during the comment period so that the EPA has an opportunity to address it during the permitting phase. The letter claims to be a synopsis of comments made at a Community Forum on March 8, 2008, 225 days *after* the close of the comment period. Consequently, the issues raised in the letter were not preserved for appeal.

Finally, even if the FOJR comments were submitted during the EPA comment period, the comments listed in the cover letter fall outside of the scope of the SDWA and the UIC regulations. This Petitioner says as much in the cover letter. "The reasons cited at the

'Community Forum' supporting a review by EPA fell into several major categories not considered under the narrow UIC Rules." *Pet.* 08-03, at 1. (emphasis added). This constitutes a fatal omission. *See, e.g., Core Energy,* slip op. at 3. Therefore, the Board must deny review.

2. Petition 08-03, Antrim Conservation District Letter

Petitioner 08-03 includes a second cover letter, also styled a petition for review, submitted by the ACD. The letter fails to make clear the relationship between or among Dr. Richter, the FOJR, Ms. Lang, or the ACD. Dr. Richter alleges no affiliation with the ACD.

Like the FOJR letter, review of the ACD letter must be denied on several grounds. In addition to lacking standing, the Petitioner fails to supply the "fundamental information" required by 40 C.F.R. § 124.19. First, the issues raised in the letter were not preserved for appeal. As explained above, comments submitted during the Community Forum on March 8 fell well outside the comment period. Second, the letter makes no attempt to identify either disputed conditions of the permit or EPA responses to comments relating to such disputed conditions. ACD's letter merely states that "the following items should be considered." *Pet.* 08-03, at 3-4 (listing items for the EPA's consideration). Lastly, because the comments in the letter have not been submitted before, the letter necessarily cannot, and does not, allege that EPA's response to any comment was based on erroneous findings of fact or conclusion of law, a prerequisite for Board review.

As one example, Petitioner asks the Board to mandate the placement of sentinel wells instead of monitoring wells, *id.* at 4, a comment which by itself is beyond not only the scope of the SDWA and UIC regulations, but also the authority of the Board. But more importantly, Petitioner fails to connect this comment with any previous submitted comment or any EPA response, or even allege any erroneous conclusion of law or fact. Without that connection, that

comment, and the rest of the comments, each of which suffers from those same deficiencies, falls far short of the standards established for Board review.

Finally, as with the FOJR letter above, out of the ten comments provided in the ACD letter, not one of them addresses any permit conditions which affect a well's compliance with the SDWA and applicable UIC regulations. This, too, constitutes a fatal omission. *See, e.g., Core Energy,* slip op. at 3.

Conclusion

For the reasons articulated herein, Beeland respectfully requests that the EAB dismiss Petitions 08-01, 08-02, and 08-03 in their entirety on summary disposition grounds.

Respectfully Submitted:

Dated: April 9, 2008

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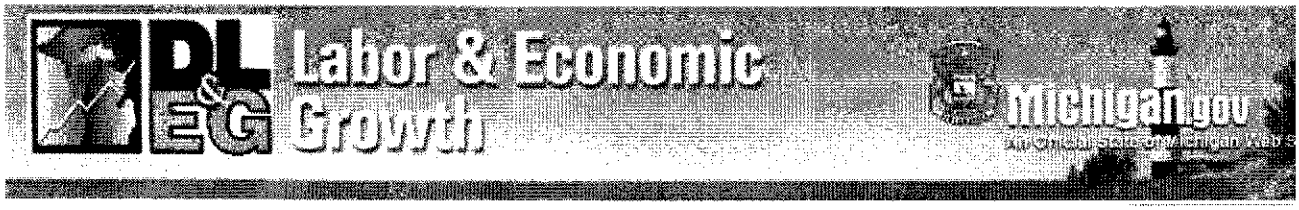
EXHIBIT LIST

1. *Corporation Division Business Entity Search Results*, from Michigan Department of Labor and Economic Growth

EXHIBIT 1



CORPORATION DIVISION BUSINESS ENTITY SEARCH RESULTS

Entity Name	ID Number	Type
FRIENDS OF JORDAN RIVER VILLAGE FOUNDATION	749728	Corporation
FRIENDS OF THE JORDAN RIVER WATERSHED, INC.	724342	Corporation
JORDAN RIVER CAMP FOUNDATION	749728	Prior Name
JORDAN RIVER CONSTRUCTION & LAND DEVELOPMENT, L.L.C.	B41766	Limited Liability Company
JORDAN RIVER CROSS	432352	Assumed Name
JORDAN RIVER DEVELOPMENT COMPANY, L.L.C.	LC5608	Limited Liability Company
JORDAN RIVER ENTERPRISES, LTD.	548123	Corporation
JORDAN RIVER ENTERPRISES, LTD.	663053	Corporation
JORDAN RIVER INVESTMENT CO.	127427	Corporation
JORDAN RIVER MINISTRIES	785570	Corporation
JORDAN RIVER MISSIONARY BAPTIST CHURCH	863105	Corporation
JORDAN RIVER NEIGHBORHOOD ASSOCIATION	709289	Corporation
JORDAN RIVER PROPERTIES, LLC	D1111G	Limited Liability Company
JORDAN RIVER PROPERTY OWNERS ASSOCIATION, INC.	34380D	Prior Name
JORDAN RIVER SPORTSMAN'S CLUB	742160	Corporation
JORDAN RIVER, INC.	395867	Corporation
JORDAN RIVER-H.K. INC.	473808	Corporation
JORDAN RIVERS RISING CHURCH	720542	Assumed Name
THE JORDAN RIVER ARTS COUNCIL	734491	Corporation
THE JORDAN RIVER MINISTRIES	785570	Prior Name
THE JORDAN RIVER SENIOR HOUSING COMPLEX, INC.	854105	Corporation
THE JORDAN RIVER STORE	548123	Assumed Name

Total Records: 22

New Search

Search results will contain corporations which were active in 1978 or filed after 1/1/1979; limited partnerships transferred to this agency from the county clerks on 1/1/1983 and limited partnerships filed with this office after 1/1/1983; limited liability companies filed with this office after 6/1/1993; railroad records transferred tc this agency on 1/14/1994; name reservations and name registrations.

The new dynamic website is updated within minutes so Mich-Elf filings can be viewed after document is filed within 1 hour. Paper submitted documents that have been filed can be viewed within 48 hours after they are filed.

You will be able to view these records to determine agent, agent address, date of formation or qualification, and other general information about each entity.

Two or more corporations, limited partnerships, limited liability companies or other entities may assume the same name if in a joint venture or partnership, if the name is permissible for the entities involved. The assumed name certificate must list all entities which are using the same assumed name.

A type of 'Filing Pending' indicates a document was submitted with that name. Pending records remain on the system until two weeks after the document is filed or the file is closed. There is no detail to review for name reservations, name registrations or pending records.

Name reservations hold the name for a limited time for possible use by an entity . Name registrations are foreign profit corporations that are not doing business in Michigan and wish to register their name only. These registrations expire yearly unless renewed .

CORPORATE ENTITY DETAILS

Searched for: FRIENDS OF THE JORDAN RIVER WATERSHED, INC.

ID Num: 724342
Entity Name: FRIENDS OF THE JORDAN RIVER WATERSHED, INC.
Type of Entity: Domestic Nonprofit Corporation
Resident Agent: JOHN RICHTER
Registered Office Address: 800 WATER ST EAST JORDAN MI 49727

Mailing Address: P.O. Box 412 EAST JORDAN MI 497270412

Formed Under Act Number(s): 162-1982

Incorporation/Qualification Date: 12-12-1990
Jurisdiction of Origin: MICHIGAN

Number of Shares: 0

Year of Most Recent Annual Report: 07
Year of Most Recent Annual Report With Officers & Directors: 04
Status: ACTIVE **Date:** Present

View Document Images

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CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing **Intervenor/Respondent Beeland Group LLC's Response to Petition Nos. 08-01, 08-02, and 08-03** in the matter of BEELAND GROUP, LLC, BEELAND DISPOSAL WELL #1, UIC Appeal Nos. 08-01, 08-02, 08-03, were served by United States First Class Mail on the following persons, this 10th day of April, 2008:

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I have also filed the foregoing **Intervenor/Respondent Beeland Group LLC's Response to Petition Nos. 08-01, 08-02, and 08-03** in the matter of BEELAND GROUP, LLC, BEELAND DISPOSAL WELL #1, UIC Appeal Nos. 08-01, 08-02, 08-03 and this **Certificate of Service** with the Clerk of the Environmental Appeals Board, by overnight delivery service, on this 10th day of April, 2008 to:

U.S. Environmental Protection Agency
Clerk of the Board, Environmental Appeals Board
Colorado Building
1341 G Street, N.W., Suite 600
Washington, D.C. 20005

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4-9-08
Dated