

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

)
)
In re:)
)
Wabash Carbon Services, LLC)
)
Class VI Underground Injection Permits)
)
Permit Nos. IN-165-6A-0001 (Vermillion))
and IN-167-6A-0001 (Vigo))
)
_____)

UIC Appeal No.: _____

PETITION FOR REVIEW BY
ANDREW LENDERMAN, BEN LENDERMAN,
FLOYD LENDERMAN AND JESSIE LENDERMAN

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I. INTRODUCTION

Pursuant to 40 C.F.R. § 124.19(a), Andrew Lenderman, Ben Lenderman, Floyd Lenderman and Jessie Lenderman (“Petitioners”) petition for review of two Class VI federal Underground Injection Control (“UIC”) Permits Nos. (IN-165-6A-0001 (Vermillion) and IN-167-6A-0001 (Vigo)) issued to Wabash Carbon Services, LLC (“WCS”) on January 19, 2024 by the U.S. Environmental Protection Agency, Region 5 (“EPA”).

Class VI permits authorize wells for carbon sequestration. Such permits are rare. In its entire history, EPA has issued only two permits resulting in the construction of carbon sequestration wells and both of those permits were issued nearly a decade ago. Despite this lack of experience with carbon sequestration, EPA now proposes permits for two new carbon sequestration wells in Indiana (“Permits”) without conducting the basic analyses required by the National Environmental Policy Act. Moreover, even though the Permits will authorize the largest carbon sequestration wells ever permitted by EPA, EPA proposes only minimal monitoring and reporting and, remarkably, dispenses with its default rules for post injection site care under the Safe Drinking Water Act.

The Board should vacate the Permits in accordance with the law.

II. THRESHOLD PROCEDURAL REQUIREMENTS

Petitioners satisfy the threshold requirements for filing a petition for review under 40 C.F.R. Part 124, as follows:

1. Petitioners reside and/or own land in the vicinity of the proposed injection areas and provided evidence that establishes standing in their written comments on the Permits. *See* Attachments 1-4 (written comments).

2. The issues raised in this Petition were raised during the public comment period and therefore preserved for review. *See* Attachments 1-4 (written comments) and Attachment 5 (EPA response to written comments, “EPA RTC”).

III. FACTUAL BACKGROUND

Wabash Carbon Services, LLC (“WCS”) proposes to produce hydrogen at a facility in West Terre Haute, Indiana. The hydrogen would be used to make ammonia fertilizer. As part of these processes, carbon dioxide would be produced. WCS proposes to sequester this carbon dioxide underground in two injection wells. One of the wells will be located in Vigo County, Indiana and the other will be located in Vermillion County, Indiana.

On July 7, 2023, EPA Region 5 issued two draft Class VI permits to WCS for the carbon dioxide sequestration. The permits were numbered IN-165-6A-0001 (CCS-1, Vermillion County, Indiana) and IN-167-6A-0001 (CCS-2, Vigo County, Indiana). Class VI permits authorize injection wells for carbon sequestration. In the vast majority of States (including Indiana) only EPA has the power to issue Class VI permits.

A public meeting and hearing regarding the draft permits was held in Terre Haute, Indiana on August 10, 2023. Local residents expressed serious concerns about the proposal and its potential impacts on their farming community. *See “EPA approves permits for controversial sequestration fertilizer project,”* Indiana Capital Chronicle, January 29, 2024. The concerns were well-grounded. In EPA’s entire history, it has only approved two permits for carbon sequestration wells that were ultimately constructed, and those two permits were issued in 2014, nearly a decade ago. *See* Attachment 6 (Table of EPA's Draft and Final Class VI Well Permits). Moreover, the two permits proposed for the West Terre Haute area are the largest ever approved by EPA. *Id.*

During the public meeting, EPA gave a brief presentation summarizing the draft permits and conducted a question-and-answer period, which lasted approximately 1.5 hours. The question-and-answer period was followed by a 1.5 hour public hearing where participants were able to provide comments regarding the draft permits. The comments provided during the hearing were

recorded and transcribed by a court reporter. The public comment period was originally set from July 7 to August 11, 2023. Due to significant public interest, EPA extended the public comment period to August 21, 2023 (with published public notice of the extension) for a total comment period of 45 days. Each of the Petitioners herein timely live or own land in Vigo County and submitted comments on the Permits. *See Attachments 1-4 (Comments by Petitioners).*

The Permits were issued by EPA Region 5 on January 19, 2024 and notice of the permit issuance was served on all commenters, including Petitioners, on January 24, 2024.

IV. STANDARD OF REVIEW

“[T]o establish that review of a permit is warranted, 40 C.F.R. § 124.19(a) requires a petitioner to both state the objections to the permit that are being raised for review, and to explain why the [permitting authority's] previous response to those objections ... is clearly erroneous or otherwise warrants review.” *In re Puerto Rico Elec. Power Auth.*, 6 E.A.D. 253, 255 (EAB 1995).

Further:

In evaluating a permit appeal, the Board examines the administrative record on which the permit was based to determine whether the permit issuer exercised his or her considered judgment. [...] Specifically, the permit issuer must articulate with reasonable clarity the reasons for its conclusions and the significance of the crucial facts it relied upon in reaching those conclusions. [...]. As a whole, the record must demonstrate that the permit issuer duly considered the issues raised in the comments and [that] the approach ultimately adopted by the [permit issuer] is rational in light of all information in the record.[...]

In re Avenal Power Center, LLC, 15 E.A.D. 384, 387 (EAB 2011).

This Board has held that, when issuing a UIC permit under its regulatory authority, EPA must adequately explain its technical determinations and must support those determinations with evidence in the record demonstrating that there was a rational basis for the approach it adopted. *See In Re: Stonehaven Energy Management, LLC*, 15 E.A.D. 817, 830 (EAB 2013) (EPA’s “failure to articulate the basis in the record for its findings on the geological features of the injection zone and earthquake risk was clear error”).

Where EPA’s decision on a technical issue is illogical or inadequately supported by the record, remand (at a minimum) is warranted. *Id.*; *see also In Re Shell Offshore, Inc. Kulluk Drilling Unit and Frontier Discoverer Drilling Unit*, 13 E.A.D. 357, 391 (EAB 2007) (remanding due to a finding that EPA’s “cryptic and conclusory” explanation for its permitting decision did not provide a basis upon which the Board could properly perform a review of EPA’s conclusion).

V. ARGUMENT

EPA's issuance of the Permits violates the National Environmental Policy Act, 42 U.S.C. §§ 4321, *et seq.*, ("NEPA") the Safe Drinking Water Act, 42 U.S.C. §300f, *et seq.*, ("SDWA") and the Administrative Procedures Act, 5 U.S.C. §§ 500, *et seq.*, ("APA").

NEPA requires all federal agencies, including EPA, to take a "hard look" at the environmental impacts from major federal actions, including the issuance of UIC permits. *Robertson v. Methow Valley Citizens Council*, 490 U.S. 332, 350 (1989). As explained below, however, EPA failed to take a "hard look" at the Permits. In particular, EPA failed to analyze the cumulative effects presented by the proposed carbon sequestration project and failed to consider possible alternatives as required by NEPA. As explained below, EPA likely skipped these steps because it believed its UIC permitting process is the "functional equivalent" of NEPA, but (at least in this case) EPA is mistaken.

Additionally, as explained below, EPA violated the SDWA by failing to require an adequate Post Injection Site Care ("PISC") plan. As described above, the proposed injection wells will be the largest ever permitted by EPA. However, rather than require even the "default" PISC period of 50 years found in EPA's regulations, EPA required a PISC period of only 10 years. This resulted not only in a deficient PISC plan, but in deficient financial assurances being required to meet the PISC plan. As explained below, the administrative record does not support EPA's decisions in this regard.

Finally, as explained below, EPA's decisions to skip required NEPA analyses and to require insufficient PISC protections were arbitrary and capricious and therefore violations of the APA.

A. EPA's Decision Violates NEPA

1. EPA is Required to Comply with NEPA

NEPA requires all federal agencies, including EPA, to take a “hard look” at the environmental impacts from all major federal actions. NEPA “prevent[s] or eliminate[s] damage to the environment and biosphere by focusing government and public attention on the environmental effects of proposed agency action.” *Marsh v. Oregon Natural Resources Council*, 490 U.S. 360, 371 (1989). Courts recognize that “environmental values protected by NEPA are of a high order -- because Congress has told us so.” *Oglala Sioux Tribe v. U.S. Nuclear Regulatory Comm'n*, 896 F.3d 520, 529 (D.C. Cir. 2018).

The SDWA does not exempt EPA from NEPA requirements.¹ However, federal courts have allowed EPA to forgo strict and formal compliance with NEPA under a doctrine called “functional equivalence.” The functional equivalence doctrine provides that formal compliance with NEPA is not required where an agency’s analysis otherwise ensures full and adequate consideration of the issues that must be examined pursuant to NEPA:

The functional equivalency test provides that, where a federal agency is engaged primarily in an examination of environmental questions, and where substantive and procedural standards ensure full and adequate consideration of environmental issues, then formal compliance with NEPA is not necessary, [and] functional compliance [is] * * * sufficient.

Warren County v. North Carolina, 528 F. Supp. 276, 286 (E.D. N.C. 1981).

The functional equivalence doctrine, however, is not an absolute exemption to NEPA compliance. Instead, the central requirement of the functional equivalence test is that the Agency’s

¹ EPA’s UIC regulations do provide that “all [UIC] permits are not subject to the environmental impact statement provisions of ... [NEPA].” 40 C.F.R. § 129.9(b)(6). However, this regulation does not provide a blanket exemption from all NEPA mandates; rather it only provides an exemption from environmental impact statement requirements.

procedures provide for the same consideration of diverse environmental issues as required by NEPA. *International Harvester Co. v. Ruckelshaus*, 478 F.2d 615, 650 n. 130 (D.C. Cir. 1993). As interpreted by the Environmental Appeals Board, “functional equivalence *could* be present in cases where the statute mandated ‘orderly consideration of diverse environmental factors,’ rather than the five specific NEPA-EIS elements.” *In re: Phelps Dodge Corporation, Verde Valley Ranch Development*, 10 E.A.D. 460 (May 21, 2002) (*emphasis supplied*).

As demonstrated below, however, the analyses undertaken by EPA with respect to the Permits was not the “functionally equivalent” of the analyses required by NEPA.

2. EPA Failed to Adequately Consider Cumulative Impacts as Required by NEPA

NEPA requires that federal agencies fully consider all direct, indirect, and cumulative environmental impacts of the proposed action. 40 C.F.R. §§1502.16; 1508.8; 1508.25(c). Cumulative impacts are: “[T]he impact on the environment which results from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions regardless of what agency (Federal or non-Federal) or person undertakes such other actions.” §1508.7.

Here, the administrative record fails to demonstrate that EPA *formally* considered cumulative impacts as required by NEPA. Neither the permit itself nor EPA’s response to comments reference this important NEPA requirement. As such, it is clear that EPA did not formally comply with NEPA’s requirements regarding cumulative impacts.

Likewise, EPA did not take steps that were “functionally equivalent” to a cumulative impacts analysis. Indeed, the word “cumulative” only appears once in EPA’s response to comments and, in that sole instance, EPA was merely reciting language from an executive order

on Environmental Justice, rather than substantively considering cumulative impacts. See Attachment 5 (EPA RTC) at 14.

Indeed, in its response to comments, EPA announced that commenters had raised several impacts that EPA *would not consider* because the comments were outside the specific requirements of the SDWA and therefore “out-of-scope.” See Attachment 5 (EPA RTC) at 2-4. However, many of these supposedly “out-of-scope” comments plainly include concerns about “other past, present and reasonably foreseeable future actions” as defined by EPA’s definition of “cumulative impacts” at 40 C.F.R. §§1508.8. Nonetheless, EPA listed the following potential impacts as “out-of-scope” and not worthy of consideration:

- 3) Concerns with the health impacts from the process at the facility that will generate the carbon dioxide for subsequent sequestration;
- 4) Concerns regarding the past uses of the carbon dioxide generating facility and the disposal of coal ash at the site;
- 6) Comments related to pipeline (and other methods of) transport from the point of carbon dioxide generation to the proposed injection well locations;
- 7) Concerns related to existing, non-carbon dioxide pipelines in the area;
- 10) Concerns regarding truck traffic and noise/light pollution;
- 12) Statements that there are other sources of carbon dioxide in the area of the project;
- 28) Concerns that the act of conducting carbon capture and storage has already impacted water quality in the area;
- 36) Statements providing examples of environmental contamination not related to carbon dioxide sequestration;
- 37) Concerns that the carbon dioxide generating facility will use too much water;
- 39) Comments regarding the operating Class VI wells at the Archer Daniels Midland facility in Illinois;

41) Comments regarding the number of active Class VI permits and applications in the country (EPA maintains a list of Class VI applications and operating injection wells).

See Attachment 5 (EPA RTC) at 2-4.

In summary, EPA did not formally or even functionally consider cumulative impacts. To the contrary, in many instances EPA described such impacts as “out-of-scope” and expressly excluded them from consideration. This is clearly erroneous.

3. EPA Failed to Consider Alternatives as Required by NEPA

Section 102 of NEPA required federal agencies to prepare a detailed statement on: (1) the environmental impact of the proposed action; (2) any adverse effects that cannot be avoided; (3) **alternatives to the proposed action**; (4) the relationship between local short-term uses of man’s environment and the maintenance and enhancement of long-term productivity; and (5) any irreversible and irretrievable commitments of resources that would be involved in the proposed action. *See* 42 U.S.C. 4332(2)(C) (**emphasis added**).

Here, EPA not only failed to consider alternatives, but *expressly concluded that it would not* consider alternatives. In its response to comments, EPA described comments about alternatives as “out-of-scope.” Specifically, EPA listed the following comment as an “out-of-scope” comment to which no response was required:

22) Statements that there are better alternatives to address carbon dioxide in the atmosphere than sequestration;

See Attachment 5 (EPA RTC) at 2-4.

As such, the administrative record does not demonstrate that EPA considered alternatives to carbon sequestration for this project. In fact, the record shows that EPA *expressly declined* to consider alternatives. This is clearly erroneous.

4. EPA Failed to Take the “Hard Look” Required by NEPA

As discussed above, NEPA requires all federal agencies, including EPA, to take a “hard look” at the environmental impacts resulting from UIC permits. Critically, this “hard look” must occur “before” the permit is granted, not after. *See Oglala Sioux Tribe*, 896 F.3d at 529. Here, however, EPA has postponed much of the hard looking to a later date.

For instance, commenters raised serious concerns about well stimulation techniques and impacts. In response, EPA simply advised that this issue would be considered in the future:

Comment #14: Comments were received expressing concern that well stimulation would cause caverns to develop and cause well failure and breach of the confining units.

Response #14: Stimulation of injection wells is a common practice to maintain or increase the injectivity into the injection zone rocks. Stimulation is a precise method to remove or flush drilling fluids from the perforated section of the long string casing and to increase connectivity between the injection wells and the pore space in the injection zone. Stimulation may involve but is not limited to flowing fluids into or out of the well, increasing or connecting pore spaces in the injection formation, or other activities that are intended to allow the injectate to move more readily into the injection formation. It should be noted that any stimulation that may occur will not cause well failure, the development of caverns, or breach the confining units.

Under the permits, all stimulation programs must be approved by EPA prior to initiation. This includes the fluid to be used, the duration of the stimulation activities, the proposed pressure the fluid will be introduced into the

injection zone, and a demonstration that the stimulation will not interfere with injection fluid containment. EPA finds these requirements ensure that stimulation activities will not compromise the integrity of the injection wells or the injection and confining formations.

See Attachment 5 (EPA RTC) at 21.

Promises that EPA will examine and approve stimulation programs at a later date do little to address the concerns of commenters and fall well short of EPA's obligation to take a "hard look" at such issues *before* permit issuance. *Oglala Sioux Tribe*, 896 F.3d at 529. As such, the administrative record does not demonstrate that EPA took a "hard look" (either formally or functionally) at alternatives as required by NEPA. EPA's actions were clearly erroneous.

B. EPA's Decision Violates the SDWA

The ("SDWA") was established to protect the quality of drinking water in the United States by regulating impacts to all waters actually or potentially suitable for drinking use. *See* 42 U.S.C. §300f, et seq. This includes the regulation of Underground Injection Control ("UIC") wells. 42 U.S.C. § 300h.

EPA has implemented criteria and standards for the UIC program. *See* 40 C.F.R. Part 146. Included in these are criteria and standards for Class VI wells. *See* 40 C.F.R. Part 146, Subpart H. Importantly, the criteria and standards for Class VI wells require owners or operators of Class VI wells to prepare, maintain, and comply with a plan for "post-injection site care." 40 C.F.R. § 146.93. The purpose of the post-injection site care ("PISC") plan is an important one: it is designed to "demonstrate that USDWs are not being endangered" following the "cessation of injection." 40 C.F.R. § 146.93(b).

Importantly, EPA's regulations provide that the PISC plan shall be in place for 50 years unless the operator demonstrates that a shorter period is appropriate. *See* 40 C.F.R. § 146.93(b). In this case, EPA approved a shorter PISC period of 10 years. When commenters questioned this, EPA responded that the shorter period was justified by "computational modeling" and that data collection would be required *after* permit issuance and well construction:

Comment #10: Numerous comments were received regarding the adequacy of the post injection period, the site closure process, and what happens after site closure is approved by EPA.

Response #10: The Post Injection Site Care (PISC) period is established to monitor the carbon dioxide plume and pressure front for a period of time after injection activities have ceased, the injection wells have been sealed, and the injection site restored. 40 C.F.R. § 146.93(b)(1) states that the PISC period should be for a duration of at least 50 years as a default. 40 C.F.R. § 146.93(c) allows for applicants to propose a PISC period of less than 50 years provided it is supported by data or modeling and demonstrates non-endangerment of USDWs. **The results of the computational modeling demonstrate that the WCS carbon dioxide plume and pressure front will become stable vertically and horizontally 10 years post injection.** Therefore, EPA has established an alternate PISC period of 10 years post injection. The permits require collection of shallow ground water samples, lowermost USDW samples, and injection zone pressure readings (collected continuously) during the PISC period. The PISC period may be extended by EPA as provided in permit section P(6)(d). A total of 10 (Pennsylvanian System) ground water monitoring wells will be sampled throughout the PISC period to detect any intrusion of fluids that could have been caused by injection activities. In the unlikely event that impacts to the ground water are detected, corrective actions must be implemented. Based on these factors, EPA has determined that the

alternate PISC period and the post injection monitoring plan are appropriate and will be protective of USDWs.

See Attachment 5 (EPA RTC) at 18 (**emphasis added**).

Critically, though, computational modeling alone is not sufficient to justify a modification of EPA's "default" period of 50 years. EPA's regulations at 40 C.F.R. § 146.93(c)(1) dictate the analyses and data required to justify a modification of the default 50-year period. "Computational modeling" is only one of the types of analysis required. Moreover, the regulations provide that "significant, site specific data" must be gathered before (not after) the "default" period is modified. Specifically, the regulations require:

(c) Demonstration of alternative post-injection site care timeframe. At the Director's discretion, the Director may approve, in consultation with EPA, an alternative post-injection site care timeframe other than the 50 year default, if an owner or operator can demonstrate during the permitting process that an alternative post-injection site care timeframe is appropriate and ensures non-endangerment of USDWs. The demonstration must be based on **significant, site-specific data** and information including all data and information collected pursuant to §§ 146.82 and 146.83, and must contain substantial evidence that the geologic sequestration project will no longer pose a risk of endangerment to USDWs at the end of the alternative post-injection site care timeframe.

(1) A demonstration of an alternative post-injection site care timeframe must include consideration and documentation of:

(i) The results of computational modeling performed pursuant to delineation of the area of review under § 146.84;

(ii) The predicted timeframe for pressure decline within the injection zone, and any other zones, such that formation fluids may not be forced into any USDWs; and/or the timeframe for pressure decline to pre-injection pressures;

- (iii) The predicted rate of carbon dioxide plume migration within the injection zone, and the predicted timeframe for the cessation of migration;
 - (iv) A description of the site-specific processes that will result in carbon dioxide trapping including immobilization by capillary trapping, dissolution, and mineralization at the site;
 - (v) The predicted rate of carbon dioxide trapping in the immobile capillary phase, dissolved phase, and/or mineral phase;
 - (vi) **The results of laboratory analyses, research studies, and/or field or site-specific studies to verify the information** required in paragraphs (iv) and (v) of this section;
 - (vii) A characterization of the confining zone(s) including a demonstration that it is free of transmissive faults, fractures, and micro-fractures and of appropriate thickness, permeability, and integrity to impede fluid (e.g., carbon dioxide formation fluids) movement;
 - (viii) The presence of potential conduits for fluid movement including planned injection wells and project monitoring wells associated with the proposed geologic sequestration project or any other projects in proximity to the predicted/modeled, final extent of the carbon dioxide plume and area of elevated pressure;
 - (ix) A description of the well construction and an assessment of the quality of plugs of all abandoned wells within the area of review;
 - (x) The distance between the injection zone and the nearest USDWs above and/or below the injection zone; and
 - (xi) Any additional site-specific factors required by the Director.
- (2) Information submitted to support the demonstration in paragraph (c)(1) of this section must meet the following criteria:
- (i) **All analyses and tests performed to support the demonstration must be accurate, reproducible, and performed in accordance with the established quality assurance standards;**
 - (ii) Estimation techniques must be appropriate and EPA-certified test protocols must be used where available;

- (iii) Predictive models must be appropriate and **tailored to the site conditions**, composition of the carbon dioxide stream and injection and site conditions over the life of the geologic sequestration project;
- (iv) Predictive models must be calibrated using existing information (e.g., at Class I, Class II, or Class V experimental technology well sites) where sufficient data are available;
- (v) Reasonably conservative values and modeling assumptions must be used and disclosed to the Director whenever values are estimated on the basis of known, historical information instead of site-specific measurements;
- (vi) An analysis must be performed to identify and assess aspects of the alternative post-injection site care timeframe demonstration that contribute significantly to uncertainty. The owner or operator must conduct sensitivity analyses to determine the effect that significant uncertainty may contribute to the modeling demonstration.
- (vii) An approved quality assurance and quality control plan must address all aspects of the demonstration; and,
- (viii) Any additional criteria required by the Director.

40 C.F.R. § 146.93(c) (emphasis added).

Here, there is no indication in the administrative record that all the information gathering and analyses required by 40 C.F.R. § 146.93(c) were performed. In the absence of such a demonstration, EPA's decision to modify the default 50-year PISC period is unsupported by the administrative record and must be denied as clearly erroneous.

In concert with this, EPA's related findings as to financial assurance are also unsupported by the administrative record. Under EPA's Class VI regulations, an owner or operator of a well must provide financial assurance (in the form of surety bonds, trusts or similar instruments) that all UIC requirements will be met by the well operator. 40 C.F.R. § 146.85. This requirement includes financial assurance sufficient to ensure compliance with the PISC plan. 40 C.F.R. §

146.85(a)(2). In this case, it appears that EPA did not require financial assurance sufficient for the default 50-year PISC plan, but rather only for the unsupported 10-year PISC plan. *See* Attachment 5 (EPA RTC) at 15, 16. As such, the administrative record also fails to demonstrate that EPA complied with financial assurance requirements of the SDWA, which is clearly erroneous.

C. EPA’s Decision Violates the APA

EPA’s decision to grant the Permits in the absence of required NEPA and SDWA requirements, as described above, additionally constitutes a violation of the Administrative Procedures Act (“APA”). Under the APA, an agency’s decision is arbitrary and capricious whenever it “failed to consider an important aspect of the problem” and “offered an explanation for its decision that runs counter to the evidence before the agency.” *Motor Vehicle Mfrs. Ass’n of U.S. v. State Farm Mut. Auto Ins. Co.*, 463 U.S. 29, 43 (1983). Here, as described above, EPA arbitrarily and capriciously failed to consider cumulative effects and alternatives as required by NEPA and failed to require a proper PISC plan and financial assurance.

VI. CONCLUSION

Given the lack of compliance with NEPA, the SDWA, and the APA, the Board should accept review in this case and vacate the challenged Permits.

VII. STATEMENT REQUESTING ORAL ARGUMENT

Petitioners request that the Environmental Appeals Board hold oral argument in this matter because the issues involved are technically complex and because the appeal presents important policy considerations.

VII. STATEMENT OF COMPLIANCE WITH WORD LIMITATION

This petition for review complies with the requirements that petitions for review not exceed 14,000 words. 40 C.F.R. § 124.19(d)(3). This petition for review, excluding attachments, is approximately 5050 words in length.

Respectfully submitted,

/s M. Shane Harvey

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February 22, 2024

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing Petition for Review in the matter of Wabash Carbon Service, LLC, Class VI Underground Injection Permits, Permit Nos. IN-165-6A-0001 (Vermillion) and IN-167-6A-0001 (Vigo), were served, by First Class U.S. Mail on the following persons, this 22nd Day of February 2024:

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February 22, 2024