

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

In re:)	
)	
Wabash Carbon Services, LLC)	UIC Appeal No. 24-01
Vermillion and Vigo, IN)	
Wells CCS#1 and #2)	
)	
Underground Injection Control)	
Permit Nos.: IN-165-6A-0001 and)	
IN-167-6A-0001)	
)	

MOTION FOR EXTENSION OF WORD/PAGE LIMIT

The United States Environmental Protection Agency, (“EPA”) Region 5 (“Region”) respectfully requests that the Environmental Appeals Board (“Board”) extend the 14,000-word/30-page limitation found at 40 C.F.R. § 124.19(d)(3), for the Region’s response to the Petition in this matter to address unusual circumstances. The Region provides the following explanation of its compelling and documented need.

First, the highly technical nature of the subject matter of this case and the posture of the Petition’s claims, may necessitate a response in excess of 14,000 words or 30 pages to fully address all claims against the permits at issue in the Petition. In particular, the Petition block quotes for three pages a SDWA UIC regulation (40 C.F.R. 146.93(c)) that contains numerous individual requirements and standards and then asserts that “there is no indication in the administrative record” that any of these requirements were addressed by the Region. Pet. at 14-16. These multiple regulatory requirements are highly technical and providing a response on each one is consuming many pages. In addition, the Petition does not provide a statutory and regulatory background related to these requirements and the Region intends to provide one. A

background understanding of this portion of the applicable regulations is necessary, in the Region's view, to provide a comprehensive and accurate response. The Region would also like to address the Board's procedural thresholds in 40 C.F.R. §§ 124.13; 124.19 as they relate to the claims raised under this regulation.

Second, the extent of the administrative record and the documents within it may necessitate a response in excess of 14,000 words or 30 pages. The administrative record index contains over 1,000 items. The challenged permits and their attachments consist of over 100 pages each. The primary technical documents at issue are all also quite lengthy. To assist the Board in its review, the Region intends to specifically cite to and set forth relevant excerpts from, and parenthetical summaries of, the administrative record in its response. Because of the complex, technical subject matter of the permit conditions that are challenged by the Petition under the SDWA here, the Region believes that these citations will provide value to the Board as it considers the claims. However, doing so, does require more words and pages than the Region would normally utilize in a response. This said, the Region is working hard to keep its response as brief as possible while still being sufficiently responsive with appropriate record citation.

Consistent with 40 C.F.R. § 124.19(f)(2), the Region has consulted with counsel for the other Parties to this case, Petitioners and Intervenor Permittee Wabash Carbon Services, and neither one objects to or opposes this motion.

For the reasons stated above, under the unusual circumstances of the case, and based on the compelling need described above, the Region respectfully requests that the Board grant an extension of the word/page limitation found at 40 C.F.R. § 124.19(d)(3) of up to 22,000 words.

Respectfully submitted,

DATE: May 2, 2024

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CERTIFICATE OF SERVICE

I certify that copies of the foregoing Motion for Extension of Time in the matter of Wabash Carbon Services LLC were filed in the Environmental Appeal Board's electronic filing system and sent to the following persons in the manner indicated.

By email to:

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