

Carbon Sequestration/Class VI Underground Injection: U.S. EPA Environmental Appeals Board Petition Challenging Two Indiana Permits



Walter Wright, Jr.
wwright@mwlaw.com
(501) 688.8839

02/27/2024

Four individuals filed a February 22nd document before the United States Environmental Protection Agency (“EPA”) Environmental Appeals Board (“EAB”) styled:

Petition for Review by Andrew Lenderman, Ben Lenderman, Floyd Lenderman, and Jessie Lenderman (“Petition”)

The *Petition* requests that the EAB review two Class VI federal Underground Injection Control (“UIC”) permits issued to Wabash Carbon Services, LLC (“WCS”).

The *Petition* states that EPA Region 5 issued Class VI permits to WCS for construction of carbon sequestration wells in Vermillion County and Vigo County, Indiana.

WCS is stated to propose to produce hydrogen at a facility in West Terre Haute, Indiana. Further, it states that the hydrogen would be used to make ammonia fertilizer and that, as a result, carbon dioxide would be produced. WCS is stated to propose to sequester this carbon dioxide underground in the two injection wells.

The *Petition* argues that the decision:

- Violates the National Environmental Policy Act (“NEPA”)
- Failure to adequately consider cumulative impacts as required by NEPA
- Failure to consider alternatives as required by NEPA
- Failure to take the “hard look” required by NEPA
- Violates the Safe Drinking Water Act
- Violates the Administrative Procedures Act

A copy of the *Petition* can be downloaded [here](#).