

Underground Injection Control: U.S. EPA Environmental Appeals Board Petition Filed Addressing Allegheny County, Pennsylvania Permit



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

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Two individuals filed a Petition for Review (“Petition”) before the United States Environmental Protection Agency (“EPA”) Environmental Appeals Board (“Board”) challenging an Underground Injection Control (“UIC”) Class II-D permit issued to Penneco Environmental Solutions, LLC (“PES”).

The individuals are Patricia B. Carr, Ph.D., and Mr. Matthew Kelso (collectively “Kelso”).

The permit was issued by the EPA Region 3 Office.

The Petition states that the UIC permit authorizes PES to inject 27,216,000 gallons of mixed hazardous and radioactive oil and gas production waste per year into the injection well. The injection well is stated to be located in Allegheny County, Pennsylvania.

An initial focus of Kelso’s Petition is an allegation that EPA Region 3 did not comply with the agency’s Environmental Justice Policy.

The Petition’s arguments challenging the permit include:

- The Issuance of the Permit Violated the Safe Drinking Water Act
- The Issuance of the Permit Violated the Environmental Rights Amendment
- The Halliburton Loophole’s Exemption of Oil and Gas Production Fluids from the SDWA Violates the Environmental Rights Amendment
- The Activities under the Permit Require Additional Permits under the CWA, and will Endanger Waterways in Violation of the Clean Water Act
- The Issuance of the Permit Violates the Clean Streams Law
- The Permit Should have been Denied for Environmental Justice
- The Activities under the Permit will Endanger Waterways
- Insufficient Financial Assurances Violates the Environmental Rights Amendment and is an Abuse of Discretion
- Important Policy Implications

Kelso requests that the Environmental Appeals Board remand the permit to EPA Region 3.

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