



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5  
77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590

FEB 27 2018

REPLY TO THE ATTENTION OF:

WU-16J

**CERTIFIED MAIL 7015 0640 0004 5965 5540**  
**RETURN RECEIPT REQUESTED**

Mr. Richard J. Powals  
Environmental Geo-Technologies, LLC  
28470 Citrin Drive  
Romulus, Michigan 48174

RE: **Final Major Modified Underground Injection Control Permits # MI-163-1W-C010  
and # MI-163-1W-C011**

Dear Mr. Powals:

EPA received comments on the EPA draft major permit modifications during the two public comment periods and public hearing. EPA considered all comments, but the comments did not raise issues significant enough to change EPA's determination that the two draft major modified permits met federal Underground Injection Control requirements. Enclosed is EPA's Response to Comments for this permit action, which details the comments received and EPA's response to each comment.

Also enclosed are the final modified permit pages for the permits referenced above. Unless this permit decision is appealed to the Environmental Appeals Board as described below, the modifications of the permits will become effective on the date stamped on Page 1.

In accordance with Title 40 of the Code of Federal Regulations (40 C.F.R.) §124.19(a), any person who commented on the draft permit modifications or participated in the hearing may petition the Environmental Appeals Board to review any condition(s) of the final permit decision. The petition shall include a statement of the reasons supporting that review, including a demonstration that the issue(s) being raised for review were raised during the public comment period (including during any public hearing) to the extent required by these regulations, and when appropriate, a showing that the petition for a review of the modified permit condition(s) in question is based on either, (1) a finding of fact or conclusion of law which is clearly erroneous, or (2) an exercise of discretion or an important policy demonstration which the Environmental Appeals Board should, in its discretion, review. If you wish to request an administrative review, documents in EAB proceedings may be filed by mail (either through the U.S. Postal Service

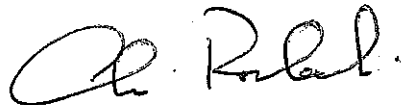
("USPS") or a non-USPS carrier), hand-delivery, or electronically. The EAB does not accept notices of appeal, petitions for review, or briefs submitted by facsimile. All submissions in proceedings before the EAB may be filed electronically, subject to any appropriate conditions and limitations imposed by the EAB. To view the Board's Standing Orders concerning electronic filing, click on the "Standing Orders" link on the Board's website at [www.epa.gov/eab](http://www.epa.gov/eab). All documents that are sent through the USPS, except by USPS Express Mail, must be addressed to the EAB's mailing address, which is: Clerk of the Board, U.S. Environmental Protection Agency, Environmental Appeals Board, 1200 Pennsylvania Avenue, NW, Mail Code 1103M, Washington, D.C. 20460-0001. Documents that are hand-carried in person, delivered via courier, mailed by Express Mail, or delivered by a non-USPS carrier such as UPS or Federal Express must be delivered to: Clerk of the Board, United States Environmental Protection Agency, Environmental Appeals Board, 1201 Constitution Avenue, NW, WJC East Building, Room 3332, Washington, D.C. 20004.

A petition for review of any condition of a UIC permit decision must be filed with the EAB within 30 days after EPA serves notice of the issuance of the final permit decision. 40 C.F.R. § 124.19(a)(3). When EPA serves the notice by mail, service is deemed to be completed when the notice is placed in the mail, not when it is received. To compensate for the delay caused by mailing, the 30-day deadline for filing a petition is extended by three days if the final permit decision being appealed was served on the petitioner by mail. 40 C.F.R. § 124.20(d). Petitions are deemed filed when they are received by the Clerk of the Board at the address specified for the appropriate method of delivery. 40 C.F.R. § 124.19(a)(3) and 40 C.F.R. § 124.19(i). The request will be timely if received within the time period described above. For this request to be valid, it must conform to the requirements of 40 C.F.R. § 124.19. A copy of these requirements is enclosed. This request for review must be made prior to seeking judicial review of any permit decision. Additional information regarding petitions for review may be found in the Environmental Appeals Board Practice Manual (August 2013) and A Citizen's Guide to EPA's Environmental Appeals Board, both of which are available at [http://yosemite.epa.gov/oa/EAB\\_Web\\_Docket.nsf/General+Information/Environmental+Appeals+Board+Guidance+Documents?OpenDocument](http://yosemite.epa.gov/oa/EAB_Web_Docket.nsf/General+Information/Environmental+Appeals+Board+Guidance+Documents?OpenDocument).

The Environmental Appeals Board may also decide on its initiative to review any condition of any permit modification issued under this part. The Environmental Appeals Board must act within 30 days of the service date of this notice of the Regional Administrator's action. Within a reasonable time following the filing of the petition for review, the Environmental Appeals Board shall issue an order either granting or denying the petition for review. To the extent review is denied, the conditions of the final permit decision become final agency action.

If you have any questions, please contact Allan Batka of my staff by telephone at 312-353-7316 or by email at batka.allan@epa.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Ch. Korleski". The signature is fluid and cursive, with a large initial "Ch" and a distinct "K" for "Korleski".

Christopher Korleski  
Director, Water Division

Enclosures

cc: Ray Vugrinovich, MDEQ  
Sam Williams, AEM Group



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5  
77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590

U.S. ENVIRONMENTAL PROTECTION AGENCY  
UNDERGROUND INJECTION CONTROL PERMIT: CLASS I HAZARDOUS  
MAJOR PERMIT MODIFICATION

Permit Number: MI-163-1W-C010

Facility Name: Well #1-12

Pursuant to the Safe Drinking Water Act and Underground Injection Control regulations of the United States Environmental Protection Agency (EPA) codified at Title 40 of the Code of Federal Regulations (40 C.F.R.), Parts 124, 144, 146, 147 and 148,

Environmental Geo-Technologies, LLC of Detroit, Michigan

herein after, the permittee, is hereby authorized to operate an existing Class I hazardous waste injection well located in Michigan, Wayne County, T3S, R9E, Section 12, SE Quarter Section, subject to the conditions of this permit. The injection zone, or zone which will contain the hazardous constituents, for this well includes the Mt. Simon, Eau Claire, Franconia-Galesville, Trempealeau, Glenwood, and lower Black River Formations between the depths of 3369 and 4550 feet. Injection is permitted into the interval of the Mt. Simon, Eau Claire, and Franconia-Galesville Formations between the depths of 3937 and 4550 feet upon the express condition that the permittee meets the restrictions set forth in this permit. The designated confining zone for this injection well includes the upper Black River, Trenton, and Utica Formations. Injection shall not commence until the operator has received written authorization from the Director of the Water Division of EPA Region 5, to inject.

References to 40 C.F.R. are to all regulations that are in effect on the date that this permit is effective. The following attachments are incorporated into this permit: A, B, C, D, and E.

This permit is a major modification of an existing permit which was signed on September 26, 2011. This modified permit shall become effective on APR 14 2018, and shall remain in full force and effect during the life of the permit, unless: 1) the statutory provisions of Section 3004(f), (g) or (m) of the Resource Conservation and Recovery Act, 42 U.S.C. § 6924(f), (g) or (m), ban or otherwise condition the authorization in this permit; 2) EPA promulgates rules pursuant to these sections which withdraw or otherwise condition the authorization in this permit; or 3) this permit is otherwise revoked, terminated, modified or reissued pursuant to 40 C.F.R. §§ 144.39, 144.40, or 144.41. This permit and the authorization to inject shall expire at midnight, OCT 26 2021, unless terminated prior to the expiration date.

Signed and Dated: 2/27/18

Christopher Korleski  
Director, Water Division

Unless business confidentiality is claimed under Part I(D) of this permit, the permittee shall also make copies of all required reports publicly available in a document repository maintained by the permittee and located either in the vicinity of the facility or on a website. The permittee must submit and obtain the Director's written approval of a plan for establishing and operating the document repository.

1. Monthly Reports. The permittee shall submit monthly reports of the following information:
  - (a) Results of the injection fluid analyses specified in Part III(A) and (E) of this permit and the approved Waste Analysis Plan as recorded in the permit file for this permit. In reporting fluid analyses, the permittee shall identify the waste components of the waste stream by their common name, chemical name, structure and concentration, or as approved by the Director.
  - (b) A tabulation of maximum injection pressure, maximum and minimum sight glass levels, maximum and minimum annulus pressure, injectate pH, flow rate, injectate specific gravity, and minimum differential between simultaneous measurements of injection pressure and annulus pressure for each day of the month;
  - (c) Appropriately scaled graphs representing the continuous monitoring as required in Part II(C)(2) of this permit showing injection pressure, annulus pressure, flow rate, pH, injection volume, and sight glass levels. One graph must include, at a minimum, daily maximum injection pressure and daily average flow rate on a single monthly chart. A second graph must display the daily maximum and minimum sight glass levels;
  - (d) A statement of the total volumes of fluid injected to date, in the current calendar year and in the current calendar month. If non-waste-water (for instance, a continuous flush of water for dilution) is injected, the total, annual, and monthly injected volumes for wastewater only, as well as total injected volume must be reported;
  - (e) A tabulation of the dates, amounts and types of liquid added to or removed from the annulus system during the month, and the cumulative additions and the cumulative subtractions for the current month and each of the past 12 months;
  - (f) Any noncompliance with conditions of this permit, including but not limited to:
    - (1) Any event that exceeds operating parameters for annulus pressure or injection pressure or annulus/tubing differential as specified in the permit; or

**ATTACHMENT A**  
**SUMMARY OF OPERATING, MONITORING AND REPORTING REQUIREMENTS**

<u>CHARACTERISTIC</u>	<u>LIMITATION</u>	<u>MINIMUM MONITORING FREQUENCY</u>	<u>MINIMUM REPORTING FREQUENCY</u>
Injection Pressure <sup>1</sup>	968 psig maximum <sup>1</sup>	continuous	monthly
Annulus Pressure	100 psig minimum	continuous	monthly
Annulus/Tubing Differential	100 psig minimum above operating injection pressure	continuous	monthly
Injection Rate <sup>2</sup> (Average for both wells #1-12 and #2-12)	166 gpm	continuous	monthly
Injection Rate (Maximum instantaneous)	270 gpm	continuous	monthly
Sight Glass Level		continuous	monthly
Annulus Fluid Loss		monthly	monthly
Cumulative Volume		daily	monthly
Temperature <sup>3</sup>		6-hour intervals	monthly
Corrosion Monitoring		monthly	monthly
Repair and Maintenance		NA	monthly
Toxicity Characteristic List		annually	annually
Fingerprint Analysis		per load	monthly
Chemical Composition and Physical Characteristics of Injected Oilfield Brine <sup>4</sup>		annually	annually
pH of Injected Fluids		continuous	monthly
Specific Gravity of Injected Fluids 1.10		per load	monthly

<sup>1</sup> The maximum injection pressure was determined by site specific testing of the injection zone. The limitation on injection pressure will serve to prevent injection-formation fracturing.

<sup>2</sup> Average injection rate shall be reported using the calculation formulas and form on page A-2 of this permit.

<sup>3</sup> Frequency of temperature measurements will be in accordance with Section II(C)(6) of this permit. Reporting of injectate temperature will be in accordance with Section II(D)(1)(f) of this permit.

<sup>4</sup> As specified in Part III(E) of this permit.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5  
77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590

U.S. ENVIRONMENTAL PROTECTION AGENCY  
UNDERGROUND INJECTION CONTROL PERMIT: CLASS I HAZARDOUS  
MAJOR PERMIT MODIFICATION

Permit Number: MI-163-1W-C011

Facility Name: Well #2-12

Pursuant to the Safe Drinking Water Act and Underground Injection Control regulations of the United States Environmental Protection Agency (EPA) codified at Title 40 of the Code of Federal Regulations (40 C.F.R.), Parts 124, 144, 146, 147 and 148,

Environmental Geo-Technologies, LLC of Detroit, Michigan

herein after, the permittee, is hereby authorized to operate an existing Class I hazardous waste injection well located in Michigan, Wayne County, T3S, R9E, Section 12, SE Quarter Section, subject to the conditions of this permit. The injection zone, or zone which will contain the hazardous constituents, for this well includes the Mt. Simon, Eau Claire, Franconia-Galesville, Trempealeau, Glenwood, and lower Black River Formations between the depths of 3369 and 4550 feet. Injection is permitted into the interval of the Mt. Simon, Eau Claire, and Franconia-Galesville Formations between the depths of 3937 and 4550 feet upon the express condition that the permittee meets the restrictions set forth in this permit. The designated confining zone for this injection well includes the upper Black River, Trenton, and Utica Formations. Injection shall not commence until the operator has received written authorization from the Director of the Water Division of EPA Region 5, to inject.

References to 40 C.F.R. are to all regulations that are in effect on the date that this permit is effective. The following attachments are incorporated into this permit: A, B, C, D, and E.

This permit is a major modification of an existing permit which was signed on September 26, 2011. This modified permit shall become effective on APR 14 2018, and shall remain in full force and effect during the life of the permit, unless: 1) the statutory provisions of Section 3004(f), (g) or (m) of the Resource Conservation and Recovery Act, 42 U.S.C. § 6924(f), (g) or (m), ban or otherwise condition the authorization in this permit; 2) EPA promulgates rules pursuant to these sections which withdraw or otherwise condition the authorization in this permit; or 3) this permit is otherwise revoked, terminated, modified or reissued pursuant to 40 C.F.R. §§ 144.39, 144.40, or 144.41. This permit and the authorization to inject shall expire at midnight, OCT 26 2021, unless terminated prior to the expiration date.

Signed and Dated: 2/27/18

Christopher Korleski  
Director, Water Division

Unless business confidentiality is claimed under Part I(D) of this permit, the permittee shall also make copies of all required reports publicly available in a document repository maintained by the permittee and located either in the vicinity of the facility or on a website. The permittee must submit and obtain the Director's written approval of a plan for establishing and operating the document repository.

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  - (b) A tabulation of maximum injection pressure, maximum and minimum sight glass levels, maximum and minimum annulus pressure, injectate pH, flow rate, injectate specific gravity, and minimum differential between simultaneous measurements of injection pressure and annulus pressure for each day of the month;
  - (c) Appropriately scaled graphs representing the continuous monitoring as required in Part II(C)(2) of this permit showing injection pressure, annulus pressure, flow rate, pH, injection volume, and sight glass levels. One graph must include, at a minimum, daily maximum injection pressure and daily average flow rate on a single monthly chart. A second graph must display the daily maximum and minimum sight glass levels;
  - (d) A statement of the total volumes of fluid injected to date, in the current calendar year and in the current calendar month. If non-waste-water (for instance, a continuous flush of water for dilution) is injected, the total, annual, and monthly injected volumes for wastewater only, as well as total injected volume must be reported;
  - (e) A tabulation of the dates, amounts and types of liquid added to or removed from the annulus system during the month, and the cumulative additions and the cumulative subtractions for the current month and each of the past 12 months;
  - (f) Any noncompliance with conditions of this permit, including but not limited to:
    - (1) Any event that exceeds operating parameters for annulus pressure or injection pressure or annulus/tubing differential as specified in the permit; or



**ATTACHMENT A**  
**SUMMARY OF OPERATING, MONITORING AND REPORTING REQUIREMENTS**

<u>CHARACTERISTIC</u>	<u>LIMITATION</u>	<u>MINIMUM MONITORING FREQUENCY</u>	<u>MINIMUM REPORTING FREQUENCY</u>
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Annulus Fluid Loss		monthly	monthly
Cumulative Volume		daily	monthly
Temperature <sup>3</sup>		6-hour intervals	monthly
Corrosion Monitoring		monthly	monthly
Repair and Maintenance		NA	monthly
Toxicity Characteristic List		annually	annually
Fingerprint Analysis		per load	monthly
Chemical Composition and Physical Characteristics of Injected Oilfield Brine <sup>4</sup>		annually	annually
pH of Injected Fluids		continuous	monthly
Specific Gravity of Injected Fluids 1.10		per load	monthly

<sup>1</sup> The maximum injection pressure was determined by site specific testing of the injection zone. The limitation on injection pressure will serve to prevent injection-formation fracturing.

<sup>2</sup> Average injection rate shall be reported using the calculation formulas and form on page A-2 of this permit.

<sup>3</sup> Frequency of temperature measurements will be in accordance with Section II(C)(6) of this permit. Reporting of injectate temperature will be in accordance with Section II(D)(1)(f) of this permit.

<sup>4</sup> As specified in Part III(E) of this permit.

RESPONSE TO PUBLIC COMMENTS  
U.S. ENVIRONMENTAL PROTECTION AGENCY (EPA)  
MAJOR MODIFICATION OF UNDERGROUND INJECTION CONTROL (UIC) PERMITS  
MI-163-1W-C010 AND MI-163-1W-C011  
ENVIRONMENTAL GEOTECHNOLOGIES, LLC  
WAYNE COUNTY, MICHIGAN

**Introduction**

The response is issued in accordance with Section 124.17(a), (b), and (c) of Title 40 of the Code of Federal Regulations, 40 C.F.R. § 124.17(a), (b), and (c), which requires that at the time any final EPA permit decision is issued, the Agency shall: (1) briefly describe and respond to all significant comments raised during the public comment period; (2) specify which provisions, if any, of the draft decision have been changed and the reasons for the change; (3) include in the administrative record any documents cited in the response to comments; and (4) make the response to comments available to the public.

**Background**

On June 15, 2017, EPA issued draft permit modifications for two Class I hazardous waste permits for Environmental GeoTechnologies, LLC, (EGT) EPA permit # MI-163-1W-C010 and MI-163-1W-C011. The first public comment period ended July 18, 2017. During that comment period, EPA received requests to hold a public hearing on the draft permit modifications. EPA then re-issued these draft permit modifications for a second comment period starting on October 27, 2017 and ending on December 6, 2017, and conducted a public hearing on November 29, 2017. Over the course of the two comment periods and public hearing, EPA received comments from 36 people.

**General and Out of Scope Comments**

EPA regulations at 40 C.F.R. Sections 124.5 and 144.39 state the requirements and standards that must be met to have a UIC permit modified. Those regulations define the general scope of EPA's authority and review process. These regulations specify that only those conditions to be modified shall be reopened for comment when a new draft permit is prepared. All other aspects of the existing permit shall remain in effect for the duration of the unmodified permit.

EPA received numerous general comments and comments directed at matters outside the scope of the permit conditions to be modified. Some of these matters were addressed in the original permitting proceedings, and many of these matters are outside the UIC program's purview to assure protection of underground sources of drinking water. EPA acknowledges the submittal of these comments and clarifies that because they raise matters that are not addressed by the permit conditions subject to modification, or by the UIC regulations and the UIC permit process, EPA does not respond to them specifically in this document.

The comments falling into the "out of scope" category are listed below without response. Specific comments that address topics that are relevant to this permitting decision, with responses, follow in a subsequent section.

In addition, although EPA is not responding to general statements of support and opposition to the permit modifications individually, it did consider them in making the decision to issue the final permit modifications.

- a. Other waste removal options should be considered
- b. Hydro fracking is unhealthy
- c. The site smells disgusting
- d. Waste is shipped from Canada
- e. Environmental rules need to be changed
- f. EGT should never have been allowed to operate
- g. Injection into the earth increases seismic activity
- h. An unknown geologic anomaly will cause contamination of the water tables
- i. The wells are located in a heavily populated area
- j. The wells downgrade local home values
- k. Increased truck traffic and potential for spills on local roads
- l. The majority of the public is against the wells' operation

## **Significant Comments**

### **Comment #1**

How can site specific formation testing, used to determine the formation fracture pressure, change by 26.5% in 5 years as reflected in the increase from the originally permitted maximum injection pressure (MIP) of 765 psig (pounds per square inch gauge) to the proposed 968 psig?

### **Response to Comment #1:**

The results of the site specific formation testing have not changed. However, because the limit for the specific gravity of the fluid to be injected will change, the calculated MIP can be increased without exceeding the subsurface pressure level that could initiate injection formation fracturing.

Site specific formation testing was conducted in December 2001, to determine the subsurface pressure level that would initiate fracturing for the proposed injection formation. From this data and the fracture gradient equation, EPA established the amount of surface pressure that could be applied to the heaviest fluids that were permitted for injection into the wells and still remain below the subsurface pressure level that would initiate injection formation fracturing. From this calculation, EPA established the original MIP permit limit of 765 psig for the two EGT wells.

EGT's request to raise the MIP in order to inject a lighter fluid identified the weight of the fluid as having a specific gravity of 1.10, as compared to the specific gravity of 1.22 used to calculate

the original MIP limit. EPA used the requested fluid weight of 1.10 and the same fracture gradient equation to derive the proposed MIP of 968 psig. The fracture gradient equation contains the numerical value of the fracture gradient established by the formation testing that was conducted in December 2001. The value for the fracture gradient that EPA used to determine the proposed MIP of 968 psig is the same fracture gradient value that was used in the calculation for the MIP of 765 psig identified in the current EGT permits.

In determining the new MIP limit of 968 psig, EPA also compared the bottom hole pressure (BHP) that the injection formation would experience under the new MIP of 968 psig with the BHP experienced under the current MIP permit limit of 765 psig. EPA determined that there will be a decrease in BHP of approximately 33 psi (or 1%) from the current MIP permit limit. Thus, the permit modification would reduce any effect on the injection zone and would remain below the formation fracture pressure level.

#### **Comment #2**

Several commenters stated that the increase in the MIP by over 25% will increase the risk of fracturing the formation.

#### **Response to Comment #2:**

Because of the change in the permitted injection fluid, the BHP reflecting the actual impact on the injection formation will decrease even though the proposed MIP at the surface will increase from 765 psig to 968 psig.

See Response to Comment #1

#### **Comment #3**

Several commenters stated that the increase in the MIP will increase the facility's capacity and spread more hazardous waste over a larger footprint of the region and affect drinking water sources.

#### **Response to Comment #3:**

The amount and type of injected fluids is regulated by the current permits for the EGT wells. The current permits contain a volume rate limit that restricts the volume of fluid that can be injected. This volume rate limit regulates the injected volume independent of the injection pressure that is used to inject the fluid. The volume rate limits and type of fluid authorized for injection have not changed and are not part of the currently proposed permit modifications. The boundary of the predicted subsurface waste plume (i.e., footprint) calculated for the original approved no migration petition is unchanged. The maximum pressure that the injection zone will experience by this permit modification is lower than what the current permit allows. With

this, all underground sources of drinking water will receive the same protection as was provided by the existing permits.

#### **Comment #4**

Several commenters identified that one of EGT's wells failed a pressure test and EPA should not modify the permit to increase the MIP based on this test failure.

#### **Response to Comment #4:**

The test failure identified in this comment was an annular pressure test for injection well 2-12. On July 31, 2017, EGT ceased injection into the well as required by the permit, and notified EPA that Well 2-12 failed to pass the annulus pressure test. EPA issued a Cease Injection Notice for Well 2-12 on August 29, 2017 that prohibits injection into this well until further notice.

The annulus space in an injection well provides a means for monitoring the injection well integrity. This annulus space is periodically tested using hydraulic pressure and is the primary means to determine if a well's casing, tubing, packer, and wellhead are liquid tight. Continuous annulus pressure monitoring and periodic testing acts as an early warning system for any potential problems with an injection well's operation. Triggering this early warning system does not necessarily mean there is a problem with the mechanical integrity of the well, just that further assessment is needed.

The failure of the annulus pressure test on Well 2-12 and EPA's orders to cease injection until further notice is an operational safeguard that was put in place by the original operating permit issued to EGT. These requirements function independently of the permitted MIP and are outside the scope of this permit modification. Even with the permit modification in place, EGT will not be allowed to operate Well 2-12 until the Cease Injection Notice is lifted.

#### **Comment #5**

Several commenters stated that the MIP should be less than or equal to the measured fracture closure pressure of the injection interval.

#### **Response to Comment #5**

See Responses to Comment #1 and Comment #2

#### **Comment #6**

The increase in the MIP escalates the chance of well failure and possible erosion and cracking of the casing.

### **Response to Comment #6**

The increase in the MIP does not escalate the chance of well failure. The design of the injection well components allow for much higher pressures than the well will experience with the proposed MIP of 968 psig. Upon the original completion of the injection wells, the injection casing, packer, and annulus (tubing, packer, well head, and injection casing) were pressure tested and found appropriate for the operational requirements for Class I hazardous waste injection wells. EPA calculates the MIP based on the strength of the geologic formation proposed for injection. The well construction materials are significantly stronger than the geologic formation. In addition, the current permits require continuous monitoring of the annular pressure. This monitoring will immediately detect any potential leaks in the well construction. The annular monitoring requirement is part of the current permits and is not changed by these permit modifications.

### **Comment #7**

Several commenters stated that the permit modification would allow for the injection of more waste and more toxic waste.

### **Response to Comment #7**

The current permits regulate and limit the types and volume of waste injected into the wells, and require EPA approval of new waste sources to assure compliance with the permits. Approval of the types of waste injected into the wells is not part of the modification of EGT's permits.

See Response to Comment #3

### **Comment #8**

EPA only allowed two minutes for people to speak during the public hearing. EPA should have at least given 5 minutes to speak at the public hearing.

### **Response to Comment #8**

In order to allow all of the people requesting to speak at the hearing, EPA determined the amount of time for each speaker by taking the amount of time available for the hearing and dividing by the number of speaking requests. At the beginning of the hearing, EPA estimated approximately 3 minutes per person. After all speakers had the opportunity to make a statement for the record, EPA determined there were 20 minutes remaining for the hearing. This was announced at the hearing and EPA invited anyone the opportunity to speak or expand on comments already presented at the hearing. One person took this opportunity to make a brief statement. With time remaining for the hearing, EPA again offered anyone the opportunity to speak. No person requested to speak including the person that made this comment. This approach was consistent with EPA's public hearing regulations, which allow reasonable limits to be set upon the time

allowed for oral statements. (40 C.F.R. §124.12(c)). EPA also emphasized that interested parties could provide further comments in writing during the comment period.

### **Comment #9**

What formula does the EPA use to approve something that the majority of the people are against? The voice of the people does not matter anymore.

### **Response to Comment #9**

The Safe Drinking Water Act (SDWA) is the main federal law that establishes the authority and responsibility for EPA to regulate underground injection of fluids through wells so that underground sources of drinking water are protected. Federal regulations at 40 CFR Parts 144 and 146 state the requirements and standards that a permit applicant must meet to obtain or modify an underground injection control permit. The opportunity for public review and input to determine whether the proposed permit modification meets the applicable requirements is during the public comment period. EPA follows the SDWA and all applicable regulations when making a final decision for all permit actions.

### **Determination**

After consideration of all public comments, EPA has determined that none of the comments submitted have raised issues which would alter EPA's basis for determining that it is appropriate to issue Environmental GeoTechnologies the modifications to the two Class I injection permits. There are no changes in the final modified permits from the draft modified permits.

### **Appeal**

In accordance with 40 CFR § 124.19(a), any person who filed comments or participated in the public hearing for the draft permit modifications may petition the Environmental Appeals Board to review any condition of the final permit modification decisions. Additionally, any person who failed to file comments on the draft permit modifications may petition the EAB for administrative review of any permit modification conditions set forth in the final permit modification decisions, but only to the extent that those final permit modification conditions reflect changes from the proposed draft permit modifications. Any petition shall identify the contested modified permit condition or other specific challenge to the permit modification decision and clearly set forth, with legal and factual support, petitioner's contentions for why the permit modification decision should be reviewed, as well as a demonstration that any issue raised in the petition was raised previously during the public comment period (to the extent required), if the permit issuer has responded to an issue previously raised, and an explanation of why the permit issuer's response to comments was inadequate as required by 40 CFR § 124.19(a)(4).

If you wish to request an administrative review, documents in EAB proceedings may be filed by mail (either through the U.S. Postal Service ("USPS") or a non-USPS carrier), hand-delivery, or electronically. The EAB does not accept notices of appeal, petitions for review, or briefs submitted by facsimile. All submissions in proceedings before the EAB may be filed electronically, subject to any appropriate conditions and limitations imposed by the EAB. To view the Board's Standing Orders concerning electronic filing, click on the "Standing Orders" link on the Board's website at [www.epa.gov/eab](http://www.epa.gov/eab). All documents that are sent through the USPS, except by USPS Express Mail, must be addressed to the EAB's mailing address, which is: Clerk of the Board, U.S. Environmental Protection Agency, Environmental Appeals Board, 1200 Pennsylvania Avenue, NW, Mail Code 1103M, Washington, D.C. 20460-0001. Documents that are hand-carried in person, delivered via courier, mailed by Express Mail, or delivered by a non-USPS carrier such as UPS or Federal Express must be delivered to: Clerk of the Board, United States Environmental Protection Agency, Environmental Appeals Board, 1201 Constitution Avenue, NW, WJC East Building, Room 3334, Washington, D.C. 20004.

A petition for review of any condition of a UIC permit decision must be filed with the EAB within 30 days after EPA serves notice of the issuance of the final permit decision. 40 CFR § 124.19(a)(3). When EPA serves the notice by mail, service is deemed to be completed when the notice is placed in the mail, not when it is received. However, to compensate for the delay caused by mailing, the 30-day deadline for filing a petition is extended by three days if the final permit decision being appealed was served on the petitioner by mail. 40 CFR § 124.20(d). Petitions are deemed filed when they are received by the Clerk of the Board at the address specified for the appropriate method of delivery. 40 CFR § 124.19(a)(3) and 40 CFR § 124.19(i). The request will be timely if received within the time period described above. For this request to be valid, it must conform to the requirements of 40 CFR § 124.19. This request for review must be made prior to seeking judicial review of any permit decision. Additional information regarding petitions for review may be found in the Environmental Appeals Board Practice Manual (August 2013) and A Citizen's Guide to EPA's Environmental Appeals Board, both of which are available at [http://yosemite.epa.gov/oa/EAB\\_Web\\_Docket.nsf/General+Information/Environmental+Appeals+Board+Guidance+Documents?OpenDocument](http://yosemite.epa.gov/oa/EAB_Web_Docket.nsf/General+Information/Environmental+Appeals+Board+Guidance+Documents?OpenDocument).

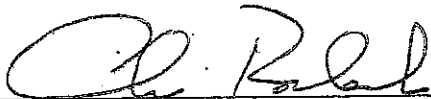
The EAB may also decide on its own initiative to review any condition of any UIC permit. The EAB must act within 30 days of the service date of notice of the Regional Administrator's action. Within a reasonable time following the filing of the petition for review, the EAB shall issue an order either granting or denying the petition for review. To the extent review is denied, the conditions of the final permit decision become final agency action when a final permit decision is issued by the EPA pursuant to 40 CFR § 124.19(l).



**Final Modified Permit/Information Available**

The final modified permits and Response to Comments document are available for viewing at the Romulus Public Library, 11121 Wayne Road, Romulus, Michigan.

Please contact Allan Batka of my staff at (312) 353-7316, or via email at [batka.allan@epa.gov](mailto:batka.allan@epa.gov) if you have any questions about the two Environmental GeoTechnologies, LLC modified Class I permits.



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Christopher Korleski  
Director, Water Division  
U.S. Environmental Protection Agency  
Region 5

Date 2/27/18