

UIC 08-02

RECEIVED
U.S. E.P.A.

2008 MAR 11 AM 10:03

ENVIR. APPEALS BOARD

U.S. ENVIRONMENTAL PROTECTION AGENCY
ENVIRONMENTAL APPEALS BOARD
COLORADO BUILDING
1341 G. STREET, N.W. SUITE 600
WASHINGTON, D.C. 20005

IN RE:)
)
BEELAND GROUP, LLC)
BEELAND DISPOSAL WELL #1)
)
)
UIC PERMIT NUMBER: MI-009-11-0001)

Appeal No. UIC 08-_____

PETITION FOR REVIEW

TOPP LAW PLC
By: SUSAN HLYWA TOPP (P 46230)
Attorneys for Petitioners
P.O. Box 1977
Gaylord, MI 49734-5977
TX (989) 731-4014
FAX 989-731-5804

CHARLES H. KOOP (P27290)
Prosecuting Attorney for Antrim Co.
Co-Counsel for Petitioners
205 East Cayuga Street
Bellaire, MI 49615
TX (231) 533-6860
FAX (231) 533-5718

TABLE OF CONTENTS

I. Introduction	4
II. Factual Background	5
III. Threshold Procedural Requirements.....	7
IV. Standard of Review.....	8
V. Argument	8
A. The Permit is Not Protective of the Drinking Water and is Not Supported by the Record.....	8
1. The Conclusion That The Bell Shale is an Impermeable Confining Zone is Erroneous as No Data to Support This Conclusion Was Submitted.....	9
2. There is insufficient data on the quality of the injected fluids, existing reservoir conditions, and effect of the injectate on the surrounding material and fluids.....	11
3. Waste Characterization and Effects of the Leachate Were Not Appropriately Considered.....	15
B. The EPA's Failure to Require the Documentation and Analyze the Environmental Consequences and Potential for Adverse Effects violates the SDWA and NEPA.....	16
C. The EPA's Response to Public Comment is Erroneous.....	17
D. There are Strong Policy Considerations That Warrant a Remand of the Permit	18
1. Environmental Justice.....	18
2. No evidentiary hearings were held.....	19
VI. Conclusion and Relief Requested.....	20