Underground Injection Control/Class II-D: Three Rivers Waterkeeper U.S. EPA Environmental Appeals Board Challenge to Allegheny County, Pennsylvania, Injection Well Permit

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Protect PT and Three Rivers Waterkeeper (collectively, "Three Rivers") filed a document before the United States Environmental Protection Agency ("EPA") Environmental Appeals Board styled:

Petition for Review by Protect PT and Three Rivers Waterkeeper ("Petition")

The *Petition* is filed pursuant to 40 C.F.R. § 124.19(a) of the Safe Drinking Water Act Regulations challenging an Underground Injection Control Class II-D Permit ("Permit") issued to Penneco Environmental Solutions, LLC ("Penneco").

The Permit is stated to authorize Penneco to inject 27,216,000 gallons of mixed hazardous and radioactive oil and gas production waste per year into a Class II-D injection well. The injection well is stated to be located in Allegheny County, Pennsylvania.

The *Petition* bases its challenge on both federal and Pennsylvania grounds.

Three Rivers alleges that EPA failed to comply with Article 1, Section 27 of the Pennsylvania Constitution referencing consideration of:

. . . environmental justice factors, and compliance with state and federal laws.

The organizations argue that the Permit violates the Pennsylvania Constitution's Environmental Rights Amendment. They also argue that the Permit violates EPA's Environmental Justice policy.

In addition, Three Rivers states that their:

. . . interpretation of the regulation that prohibits unconventional oil and gas waste in Class II injection wells and their view that the holding of *Maui* requires CWA permitting for Class II injection wells will affect EPA's future permitting under Part 124 (Citing *County of Maui v. Hawai'i Wildlife Fund,* 140 S.Ct. 1462[2020]).

Additional arguments raised by Three Rivers include:

- Issuance of the Permit Violated the Safe Drinking Water Act
- Halliburton Loophole's Exemption of Oil and Gas Production Fluids from the Safe Drinking Water Act Violates the Environmental Rights Amendment

- Activities under the Permit Require Additional Permits under the Clean Water Act, and will Endanger Waterways in Violation of the Clean Water Act
- Activities under the Permit Require Additional Permits under the CWA, and will Endanger Waterways in Violation of the Clean Water Act
- Issuance of the Permit Violates the Clean Streams Law
- The Permit Should have been Denied for Environmental Justice
- Activities under the Permit will Endanger Waterways
- Insufficient Financial Assurances Violates the Environmental Rights Amendment and is an Abuse of Discretion

A copy of the *Petition* can be downloaded here.