**For Immediate Release:**

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**Protect PT and Three Rivers Waterkeeper Overcome a Motion to Dismiss**

**in Front of the Federal Environmental Appeals Board**

**March 8, 2024**: Protect PT and Three Rivers Waterkeeper are pleased to announce that they defeated Penneco’s attempt to dismiss their appeal of the EPA’s issuance of the Sedat 4a Underground Fracking Waste Injection Well in front of the federal Environmental Appeals Board (“EAB”). Penneco sought to have the appeal dismissed on timeliness grounds, but instead the EAB found that the EPA did not issue proper notice of its final permit action according to a [February 28th ruling](https://drive.google.com/file/d/1QbkbEzaCp8P6n5Npmd8VCDkj-Jj4e7Ru/view?usp=sharing). This result also means that additional individuals or organizations may also file an appeal at this time.

The EAB held that the EPA’s “*notice”* of its action did not contain the required instructions for taking an appeal as required by the Code of Federal Regulations and was, therefore, defective. Next, it held that the EPA’s 42 page response to each of the comments that were made was not the *notice of EPA’s final permit decision*. The notice of the “final permit decision” is a separate and distinct document, which, in this case, was not provided according to the EAB. Therefore, Penneco’s motion to dismiss was denied, and the EPA needs to issue the final permit decision to all commenters.

As a result of these deficiencies, the EAB held that the EPA ***never served notice of its final permit decision to any commentator****.* Therefore, ***the time for appeal never began to run in this matter.***This means that any commentator to the Sedat 4a permit may still file an appeal. This is significant because it may be that the EPA has not given proper notice to commentators in any of its decisions on UIC well permits. If that is the case, then all of the EPA’s grants of permits for UIC wells are still subject to appeal by individuals who commented on the original permit. Protect PT and Three Rivers Waterkeeper look forward to working with the EPA to ascertain the status of these notices to ensure that residents and their due process rights are protected.

Gillian Graber, Executive Director of Protect PT said, “This is a big win for residents of Pennsylvania, but it also begs the question of how many other permits were improperly issued by the EPA.” Graber further explains, “Not only are the notices improperly done, but the EPA failed to follow proper hearing protocol as outlined in **Code of Federal Regulations 40 CFR 25.5 or 124.10.** We see this conduct by the EPA happening in several communities around the state. Local and state officials should be on the lookout for new permits in their area. Public participation is an essential part of this permitting process, and we should not be left out of it.”

Protect PT and Three Rivers Waterkeeper outlined major issues regarding the Sedat 4a injection well permit in their appeal (read the appeal [here](https://yosemite.epa.gov/OA/EAB_WEB_Docket.nsf/Filings%20By%20Appeal%20Number/D948FA88110DC78985258A54005E4C46/%24File/Final%20Sedat%204A%20Appeal%20to%20EAB.pdf)). Injection wells store hazardous wastewater from fracking and other pollution sources in permeable underground rock layers. The wastewater that is injected can carry naturally occurring radioactive isotopes, chemical additives, heavy metals, and carcinogens. During the injection process, the highly toxic wastewater can leak and contaminate surrounding ground water and drinking water sources, thereby threatening our right to pure water and endangering the natural, scenic, historic, and esthetic values of Pennsylvania’s environment guaranteed in the Pennsylvania Constitution. “Penneco has clearly violated similar permits in the past, and they have not shown that they will protect our natural resources and prevent environmental and public health harm,” states Heather Hulton VanTassel, Executive Director of Three Rivers Waterkeeper.

Those who commented in the 2022 hearings received an email from EPA on March 7, 2024 that states the new deadline to appeal this permit is 30 days from **March 7, 2024**. If commenters wish to appeal the permit, the new deadline will be **April 6, 2024**.

Protect PT and Three Rivers Waterkeeper are represented by Lisa Johnson & Associates and will be moving forward with their case to have the permit overturned due to its high risk of water contamination, violation of PA’s Article 1 Section 27 Environmental Rights Amendment, and violation of equal protection.

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**About Protect PT:** *Protect Penn-Trafford is a citizen's group working to ensure the safety, security, and quality of life from the effects of unconventional gas development in Penn-Trafford and surrounding communities in Westmoreland and Allegheny Counties. Learn more at protectpt.org.*

***About Three Rivers Waterkeeper:*** *Three Rivers Waterkeeper is an environmental nonprofit serving southwestern PA with a mission to protect the water quality of the Allegheny, Monongahela, and Ohio Rivers and their respective watersheds. They have an ultimate vision of drinkable, fishable, and swimmable watersheds for all.*