

RE: Windfall Oil & Gas, Inc.  
PERMIT #: PAS2D020BCLE  
PERMITTED FACILITY: Class II-D injection well, Zelman #1

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ENVIR. APPEALS BOARD

November 8, 2014

RALPH E. HAMBY  
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Dear Environmental Appeals Board,

This letter is to request an appeal to deny this permit of an injection well. I have been to the public hearings and filed written comments. I am also keeping within word or page limitations. For ease of filing this appeal I will mostly cite the binder submitted by Darlene Marshall on behalf of all concerned citizens or the information presented at the public hearing.

This appeal will show many concerns for two regulations that will give a basis to deny the permit. 40 C.F.R. §146.22 (a) All new Class II wells shall be sited in such a fashion that they inject into a formation which is separated from any USDW by a confining zone that is free of known open faults or fractures within the area of review. 40 C.F.R. §146.22 (c) (2)& (d) (2) Well injection will not result in the movement of fluids into an underground source of drinking water so as to create a significant risk to the health of persons.

The EPA Response Summary stated in #13 (p.15) a one-quarter mile area of review was used for the permit. The binder on page 2 (#2) submitted by Darlene Marshall stated a request, "to extend area of review outside the 1/4 mile." At the December 2012 public hearing, Rick Atkinson, provided a zone of endangering influence calculation that demonstrated that assumed non-transmissive faults would change the zone of endangering influence making it larger so that the area of review should be extended. The Carlson gas well should be considered as it is in the same formation as the injection zone. Additionally, the Carlson gas well is a source of concern for neighbors (as mentioned in testimony) because the casing is suspect due to fumes it emits. (See binder from Darlene Marshall comment #8 & #13)

It is also known from the permit application that gas wells are in the same formation as the injection zone. These gas wells are all right on the edge of the 1/4 mile area of review all just feet away and some may be in the 1/4 mile area of review. The EPA Response Summary # 12 (p.13) made an incorrect statement by stating that these gas wells are over half a mile or a mile away. The information also provided in the plugged well logs is insufficient and a possibility exists that they were plugged incorrectly. (See binder from Darlene Marshall comment #7, #8 & #13)

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Please note that the gas wells in the 1/4 mile area of review may be different than drawn on all the permit maps. A map in the permit notes calculations are based on 10' +/- noted. These +/- affects the location of each gas well on the maps.

I request this permit be denied, based on these inaccuracies. The proximity of so many other Oriskany wells (so close to 1/4 mile) along with a shallow gas well close to the proposed site that was also fractured. These wells would have been fractured and these fractures would have went into the 1/4 mile area of review. (See binder from Darlene Marshall #57). In addition, coal mines are though out the review area and technically they also had fracturing done. This means that this permit would violate the following regulations: 40 C.F.R. §146.22 (a) All new Class II wells shall be sited in such a fashion that they inject into a formation which is separated from any USDW by a confining zone that is free of known open faults or fractures within the area of review. 40 C.F.R. §146.22 (c) (2)& (d) (2) Well injection will not result in the movement of fluids into an underground source of drinking water so as to create a significant risk to the health of persons.

The EPA decision on faults is questionable in the area of review based on the following information:

1. The comment on response summary #8 (p. 10) stating plugged wells not producing outside fault block is an inaccurate statement; the Atkinson's property well was never plugged and has been used till most recently.
2. It has not been sufficiently proven that a fault block exists or the depths of the faults that might be or might not be transmissive (no way to prove if the faults are nontransmissive).
3. The provided fault block statement is inaccurate because no fault is shown that would block the fluid from migrating towards the Carlson well or coal mines. The two faults on the permit would actually permit the fluid towards these areas.

A review of the maps on file at the library show no one mile radius topographic map. The EPA permit requested a one mile topographic map from the boundary lines.

I'm requesting monitoring of other gas wells to protect citizens based on all the comments submitted to protect resident's water supplies. We request a comprehensive

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monitoring plan if this permit is approved. Based on the facts presented the permit should be denied.

A new report by the Government Accountability Office shows findings from June 2014 on the "EPA Program to Protect Underground Sources from Injection of Fluids Associated With Oil and Gas Production Needs Improvement leading to pollution of underground sources of drinking water (USDWs)" that demonstrate our concerns. No risk is acceptable in this residential area, since residents depend on private water wells. The recharging zone for our water in this area is located directly on the proposed site.

The permit decision and the permit's conditions appealed are objectionable because of: 1) factual error and 2) the EAB should review a policy consideration. The concerns showed by residents provide examples cited in the 40 C.F.R. §146.22 regulations that give a basis to deny the permit.

Sincerely,



Ralph Hamby