



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 6
1445 ROSS AVENUE, SUITE 1200
DALLAS, TX 75202-2733

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January 24, 2011

CERTIFIED MAIL - RETURN RECEIPT REQUESTED: 7010 1060 0002 1872 0917

Mr. Dean Schroeder
Wachtman-Schroeder
P.O. Box 1138
Pawhuska, OK 74056

Re: Transmittal of Final Administrative Order
Docket Number: SDWA-06-2011-1103 (~~Proposed as SDWA-06-2010-1108~~)

Dear Mr. Schroeder:

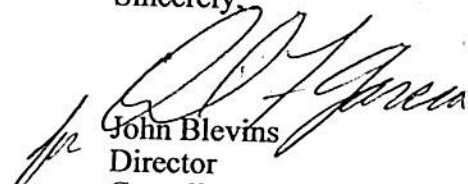
Enclosed is a final Administrative Order (Order) issued to Wachtman-Schroeder for violation of the Safe Drinking Water Act (SDWA). The violation was identified based on our review of files that we maintain on the referenced well. The violation was for failure to plug Well No. 2D within one year after termination of injection operations. The enclosed Order does not assess a monetary penalty; however, it does require compliance with SDWA requirements. You are required to plug the well referenced in the Order.

We issued a proposed Order on July 15, 2010, for review and comment by you and the public. We did not receive any comments on the proposed Order from the public and you did not request a hearing.

The SDWA provides that you, or any person who commented on the proposed Order, may file an appeal of the final Order with the United States District Court for the District of Columbia or the district in which the violation occurred. Such appeal must be filed within thirty days after the final Order is issued. If you file an appeal, you must simultaneously send a copy of the appeal by certified mail to the Administrator of the Environmental Protection Agency and to the U.S. Attorney General.

If you have any questions concerning this final Order, please contact Mr. Ronald Van Wyk, of my staff, at (214) 665-6459.

Sincerely,


John Blevins
Director
Compliance Assurance and
Enforcement Division

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Enclosure(s)

cc: w/enclosure:

Osage Nation Department of Environmental
and Natural Resources

BIA, Minerals Branch



U.S. ENVIRONMENTAL PROTECTION AGENCY - REGION 6
ADMINISTRATIVE ORDER

In the Matter of Wachtman-Schroeder, Respondent
Docket No. SDWA-06-2011-1103

STATUTORY AUTHORITY

The following findings are made and Order issued under the authority vested in the Administrator of the U.S. Environmental Protection Agency ("EPA") by Section 1423(c) of the Safe Drinking Water Act ("Act"), 42 U.S.C. § 300h-2(c). The authority to issue this Order has been delegated by the Administrator to the Regional Administrator of EPA Region 6 ("RA") who further delegated such authority to the Director of the Compliance Assurance and Enforcement Division. The EPA has primary enforcement responsibility for underground injection within the meaning of Section 1422(c) of the Act, 42 U.S.C. § 300h-1(c), to ensure that owners or operators of Class II injection wells within Osage County, Oklahoma, comply with the requirements of the Act.

FINDINGS

1. Respondent, Wachtman-Schroeder, is a "person," within the meaning of Section 1401(12) of the Act, 42 U.S.C. § 300f(12).
2. At all times relevant to the violation alleged herein, Respondent owned an injection well located in the Northwest Quarter of Section 14, Township 25 North, Range 9 East, Pawhuska Field, Osage County, Oklahoma, designated as Well Number 2D and EPA Inventory Number JS2028 ("the well").
3. Respondent is subject to underground injection control ("UIC") program requirements set forth at 40 C.F.R. Part 147, Subpart GGG, which are authorized under Section 1421 of the Act, 42 U.S.C. § 300h.
4. EPA regulations require the operator of an "injection well," as defined at 40 C.F.R. § 147.2902, to plug the well within one year after termination of injection operations. This date may be extended if the operator has submitted a plugging plan for future use of the well to the RA. Plugging must be completed pursuant to 40 C.F.R. § 147.2905.
5. Respondent violated the regulations cited above by failing to plug the well within one year after termination of injection operations. Respondent has not submitted a plan for future use of the well to the RA.
6. Therefore, Respondent violated the regulations set forth at 40 C.F.R. § 147.2905.

ORDER

Based on the foregoing findings and under the authority of Section 1423(c) of the Act, it is hereby ordered that Respondent shall plug the well according to procedures set forth in 40 C.F.R. § 147.2905 within thirty (30) days from the effective date of this Order. Respondent shall

submit a report of final plugging operations to the EPA; Water Resources Section (6EN-WR); U.S. EPA, Region 6; 1445 Ross Avenue, Suite 1200; Dallas, TX 75202 within sixty (60) days from the effective date of this Order.

GENERAL PROVISIONS

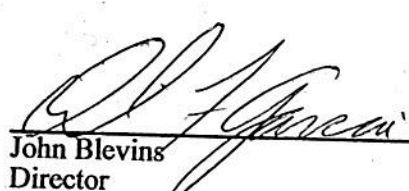
8. This Order does not constitute a waiver, suspension, or modification of the requirements of 40 C.F.R. Part 147, Subpart GGG, which remain in full force and effect.
9. Issuance of this Order is not an election by EPA to forego any civil or criminal action otherwise authorized under the Act.
10. Violation of the terms of this Order after its effective date or date of final judgment as described in Section 1423(c)(6) of the Act, 42 U.S.C. § 300h-2(c)(6), may subject Respondent to further enforcement action, including a civil action for enforcement of this Order under Section 1423(b) of the Act, 42 U.S.C. § 300h-2(b), and civil and criminal penalties for violations of the compliance terms of this Order under Section 1423(b)(1) and (2) of the Act, 42 U.S.C. § 300h-2(b)(1) and (2).

EFFECTIVE DATE

11. This Order becomes effective thirty (30) days after issuance unless an appeal is taken pursuant to Section 1423(c)(6) of the Act, 42 U.S.C. § 300h-2(c)(6).

Date

1/24/11


John Blevins
Director
Compliance Assurance and
Enforcement Division

