

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION III  
1650 ARCH STREET  
PHILADELPHIA, PENNSYLVANIA 19103-2029

IN THE MATTER OF: )

)

)

**ADMINISTRATIVE ORDER  
FOR COMPLIANCE**

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Resources Preservation, Inc., )  
f/k/a ARG Resources, Inc. )  
285 Custom Lumber Lane )  
Kane, PA 16735 )

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Docket No. SDWA-03-2020-0009DU  
Proceedings Pursuant to Section  
1423(c) of the Safe Drinking Water  
Act, 42 U.S.C. § 300h-2(c).

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**I. STATUTORY AUTHORITY**

1. This Administrative Order for Compliance (“Order”) is issued pursuant to section 1423(c)(2) of the Safe Drinking Water Act (“Act” or “SDWA”), 42 U.S.C. § 300h-2(c)(2).
2. The authority to issue an order pursuant to section 1423(c) of the Act has been vested in the Administrator of the United States Environmental Protection Agency (“EPA” or “the Agency”). The Administrator of EPA has delegated the authority to take these actions to the Regional Administrator of EPA, Region III, who has redelegated these authorities to the Director of the Enforcement and Compliance Assurance Division (“ECAD”), EPA Region III.
3. The Administrative Order for Compliance supersedes the Administrative Order for Compliance issued on April 17, 2018, Docket No. SWDA-03-2018-0068DU, and adds additional requirements identified in Section IV, Order for Compliance.

**II. STATUTORY AND REGULATORY FRAMEWORK**

4. Part C of the SDWA, Sections 1421 – 1429, 42 U.S.C. §§ 300h – 300h-8, sets forth the regulations for the Underground Injection Control (“UIC”) program.
5. Section 1421 of SDWA, 42 U.S.C. § 300h, requires that EPA promulgate regulations, which shall include inspection, monitoring, recordkeeping and reporting requirements, for State UIC programs that prevent endangerment to underground sources of drinking water (“USDWs”) by underground injection.
6. Section 1422(b) of the SDWA, 42 U.S.C. § 300h-1(b), provides that States, upon receipt of U.S. EPA’s approval of a proposed UIC program, may implement a Federally-enforceable UIC program in that State and obtain primary enforcement responsibility of that program. Section 1422(c) of the SDWA, 42 § 300h-1(c) further provides that, in states that have not obtained primacy, EPA is to prescribe an applicable UIC program.

7. Pursuant to Sections 1421 and 1422 of SDWA, 42 U.S.C. §§ 300h and 300h-1, respectively, EPA has promulgated regulations for state UIC programs at 40 C.F.R. Parts 144 through 147. The Commonwealth of Pennsylvania has not obtained primacy. The EPA program for the Commonwealth of Pennsylvania is at 40 C.F.R. Part 147, Subpart NN, 40 C.F.R. §§ 147.1951- 1955, and became effective on June 25, 1984.
8. Federal regulations at 40 C.F.R. §144.6 define six classes of injection wells. Class II wells allow for the injection of fluids which are brought to the surface in connection with conventional oil or natural gas production. Specifically, 40 C.F.R. § 144.6(b) describes a Class II UIC well as a well “which injects fluids: (2) For enhanced recovery of oil or natural gas...”
9. Oil and/or gas production wells are regulated by the Commonwealth of Pennsylvania Department of Environmental Protection. Production wells are used to extract oil and/or gas from underground formations.
10. UIC Class II enhanced recovery wells (known as II-R) are used to assist oil and gas production by injecting produced brines (and other chemicals) into previously depleted production zones to displace oil and/or gas and drive it to a production wellbore. All injection wells subject to this Order are Class II-R wells. Injection into II-R wells may be authorized by rule or by permit. Extraction of oil and gas during enhanced recovery operations relieves pressure in the injection formation. However, when production stops at II-R operations formation over-pressurization becomes a concern and may endanger an Underground Source of Drinking Water.
11. 40 C.F.R. Part 144, Subpart C sets forth the regulations that apply to UIC wells authorized by rule. 40 C.F.R. § 144.22(a) provides that “[a]n existing Class II enhanced recovery ... injection well is authorized by rule for the life of the well or project, if the owner or operator injects into the existing well within one year after the date at which a UIC program authorized under the SDWA becomes effective for the first time or inventories the well pursuant to the requirements of § 144.26. An owner or operator of a well which is authorized by rule pursuant to this section shall rework, operate, maintain, convert, plug, abandon or inject into the well in compliance with applicable regulations.”
12. 40 C.F.R. Part 144, Subpart D sets forth the regulations that apply to UIC wells authorized by permit. 40 C.F.R. § 144.31(a) provides that “[u]nless an underground injection well is authorized by rule under subpart C of this part, all injection activities including construction of an injection well are prohibited until the owner or operator is authorized by permit.”
13. 40 C.F.R. § 144.33(a) provides that “The Director may issue a permit on an area basis, rather than for each well individually...”
14. “Owner or operator” is defined in 40 C.F.R. § 144.3 to mean “the owner or operator of any ‘facility or activity’ subject to regulation under the UIC program.”
15. “Director,” as defined in 40 C.F.R. §144.3, “means the Regional Administrator, the State director or the Tribal director as the context requires, or an authorized representative. When there is no approved State or Tribal program, and there is an EPA administered program, ‘Director’ means the Regional Administrator.”

16. “Regional Administrator,” as defined in 40 C.F.R. §144.3, “means the Regional Administrator of the appropriate Regional Office of the Environmental Protection Agency or the authorized representative of the Regional Administrator.”
17. “Person” is defined in 40 C.F.R. § 141.2 to mean “an individual, corporation, company, association, partnership, municipality, or State, Federal, or tribal agency.”
18. “Facility or activity” is defined in 40 C.F.R § 144.3, in pertinent part, to mean “any UIC ‘injection well,’ ... that is subject to regulation under the UIC program.”
19. “UIC” is defined in 40 C.F.R. § 144.3 to mean “the Underground Injection Control program under Part C of the Safe Drinking Water Act, including an ‘approved State program.’”
20. “Injection well” is defined in 40 C.F.R. § 144.3 to mean “a ‘well’ into which ‘fluids’ are being injected.”
21. “Fluid” is defined in 40 C.F.R. § 144.3 to mean “any material or substance which flows or moves whether in a semisolid, liquid, sludge, gas, or any other form or state.”
22. “Well” is defined in 40 C.F.R. § 144.3, in pertinent part, to mean “[a] bored, drilled, or driven shaft whose depth is greater than the largest surface dimension...”
23. “Underground Source of Drinking Water (USDW)” is defined in 40 C.F.R. § 144.3 to mean “an aquifer or its portion: (a)(1) which supplies any public water system; or (2) which contains a sufficient quantity of ground water to supply a public water system; and (i) Currently supplies drinking water for human consumption; or (ii) contains fewer than 10,000 mg/l total dissolved solids; and (b) which is not an exempted aquifer.”
24. “Area of review” is defined in 40 C.F.R. § 144.3 to mean “the area surrounding an injection well described according to the criteria set forth in § 146.06 or in the case of an area permit, the project area plus a circumscribing area the width of which is either ¼ of a mile or a number calculated according to the criteria set forth in § 146.06.”
25. 40 C.F.R. § 144.22(d) specifies that “[t]he owner or operator of a well authorized [by rule] under this section shall comply with the applicable requirements of § 144.28 and part 147 of this chapter.”
26. 40 C.F.R. § 144.28 states that “[t]he following requirements apply to the owner or operator of a Class I, II or III well authorized by rule under this subpart, as provided by §§ 144.21(e) and 144.22(d).” 40 C.F.R. § 144.28(a) specifies that “[t]he owner or operator shall comply with all applicable requirements of this subpart and subpart B of this part. Any noncompliance with these requirements constitutes a violation of the Safe Drinking Water Act and is grounds for enforcement action...”
27. 40 C.F.R. § 144.28(c) requires the owner or operator of a Class II UIC well to “prepare, maintain, and comply with a plan for plugging and abandonment of the well or project that meets the requirements of § 146.10 of this chapter and is acceptable to the Director” and, pursuant to paragraph (2)(i) of that subsection, “submit the plan, on a form provided by the Regional Administrator, no later than one year after the effective date of the UIC program in the state.”

28. 40 C.F.R. § 144.28(c)(2)(iv)(B) requires that for Class I, II, and III wells authorized by rule under an EPA administered program, “[a]fter a cessation of operations of two years the owner or operator shall plug and abandon the well in accordance with the [plugging and abandonment] plan unless he...[d]escribe [*sic*] actions or procedures satisfactory to the Regional Administrator, that the owner or operator will take to ensure that the well will not endanger USDWs during the period of temporary abandonment. These actions and procedures shall include compliance with the technical requirements applicable to active injection wells unless waived by the Regional Administrator.”
29. 40 C.F.R. § 144.28(d)(1) requires that the owner and operator of a Class II well “demonstrate and maintain financial responsibility and resources to close, plug and abandon the underground injection operation in a manner prescribed by the Director until: (i) The well has been plugged and abandoned in accordance with an approved plugging and abandonment plan pursuant to §§ 144.28(c) and 146.10 and submission of a plugging and abandonment report has been made pursuant to § 144.28(k)...” 40 C.F.R. § 144.28(d)(2) states that “[f]or EPA-administered programs, the owner or operator shall submit such evidence no later than one year after the effective date of the UIC program in the State.”
30. 40 C.F.R. § 144.28(f)(2) specifies that “[t]he owner or operator of a Class I, II or III injection well authorized by rule shall establish and maintain mechanical integrity as defined in § 146.8 of this chapter until the well is properly plugged in accordance with an approved plugging and abandonment plan pursuant to §§ 144.28(c) and 146.10, and a plugging and abandonment report pursuant to § 144.28(k) is submitted, or until the well is converted in compliance with § 144.28(j).”
31. 40 C.F.R. § 144.28(f)(3) provides that “[w]hen the Director determines that a Class I (non-hazardous), II or III injection well lacks mechanical integrity pursuant to § 146.8 of this chapter, the Director shall give written notice of his determination to the owner or operator. Unless the Director requires immediate cessation, the owner or operator shall cease injection into the well within 48 hours of receipt of the Director’s determination. The Director may allow plugging of the well in accordance with the requirements of § 146.10 of this chapter, or require the owner or operator to perform such additional construction, operation, monitoring, reporting and corrective action as is necessary to prevent the movement of fluid into or between USDWs caused by the lack of mechanical integrity. The owner or operator may resume injection upon receipt of written notification from the Director that the owner or operator has demonstrated mechanical integrity pursuant to § 146.8 of this chapter.”
32. 40 C.F.R. § 144.31(e)(10) requires all applicants for Class II permits to provide in their application to the Director “a plugging and abandonment plan that meets the requirements of § 146.10 of this chapter and is acceptable to the Director.”
33. 40 C.F.R. § 144.51 states that “[t]he following conditions apply to all UIC permits.” 40 C.F.R. § 144.51(a) specifies that “[t]he permittee must comply with all conditions of the permit. Permit noncompliance constitutes a violation of the Safe Drinking Water Act and is grounds for enforcement action...”
34. 40 C.F.R. § 144.51(q)(1) specifies that “[t]he owner or operator of a Class I, II, III or IV well permitted under this part shall establish mechanical integrity prior to commencing injection or on a schedule determined by the Director. Thereafter the owner or operator of Class I, II or III wells must maintain mechanical integrity as defined in § 146.8 of this chapter...”

35. 40 C.F.R. § 144.51(q)(2) provides that “[w]hen the Director determines that a Class I, II, III, or VI well lacks mechanical integrity pursuant to § 146.8 of this chapter... he/she shall give written notice of his/her determination to the owner or operator. Unless the Director requires immediate cessation, the owner or operator shall cease injection into the well within 48 hours of receipt of the Director’s determination. The Director may allow plugging of the well pursuant to the requirements of § 146.10 of this chapter or require the permittee to perform such additional construction, operation, monitoring, reporting and corrective action as is necessary to prevent the movement of fluid into or between USDWs caused by the lack of mechanical integrity. The owner or operator may resume injection upon written notification from the Director that the owner or operator has demonstrated mechanical integrity pursuant to § 146.8 of this chapter.”
36. 40 C.F.R. § 144.52(a)(2) requires that permits include “[c]orrective action as set forth in §§ 144.55, 146.7, and 146.84.”
37. 40 C.F.R. § 144.52(a)(6) requires that for Class I, II and III wells authorized by permit, “[a]fter a cessation of operations of two years the owner or operator shall plug and abandon the well in accordance with the plan unless he...[d]escribes actions or procedures, satisfactory to the Regional Administrator, that the owner or operator will take to ensure that the well will not endanger USDWs during the period of temporary abandonment. These actions and procedures shall include compliance with the technical requirements applicable to active injection wells unless waived by the Regional Administrator.”
38. 40 C.F.R. § 144.52(a)(7) requires that the permittee “demonstrate and maintain financial responsibility and resources to close, plug, and abandon the underground injection operation in a manner prescribed by the Director until...[t]he well has been plugged and abandoned in accordance with an approved plugging and abandonment plan pursuant to §§ 141.51(o), 146.10, and 146.92 of this chapter, and submitted a plugging and abandonment report pursuant to § 144.51(p).”
39. 40 C.F.R. § 144.55 provides that “[a]pplicants for Class I, II, (other than existing), or III injection well permits shall identify the location of all known wells within the injection well’s area of review which penetrate the injection zone, or in the case of Class II wells operating over the fracture pressure of the injection formation, all known wells within the area of review penetrating formations affected by the increase in pressure. For such wells which are improperly sealed, completed, or abandoned, the applicant shall also submit a plan consisting of such steps or modifications as are necessary to prevent movement of fluid into [USDWs] (“corrective action”).”
40. Section 1423(c) of the Act, 42 U.S.C. § 300h-2(c)(2), authorizes the Administrator of the EPA, in any case in which the Administrator is authorized to bring a civil action under section 1423 with respect to any regulation or other requirement of Part C of the Act (pertaining to Protection of Underground Source of Drinking Water) relating to the underground injection of brine or other fluids which are brought to the surface in connection with oil or natural gas production, to issue an order either assessing a civil penalty, or requiring compliance with such regulation or other requirement, or both.

### **III. FINDINGS OF FACT AND CONCLUSIONS OF LAW**

41. Respondent, Resources Preservation, Inc., formerly known as ARG Resources, Incorporated, is a

corporation that is registered to do business in the Commonwealth of Pennsylvania with a registered address of 285 Custom Lumber Lane, Kane, PA, 16735 and is therefore a “person” within the meaning of 40 C.F.R. §141.2.

42. In July of 2001, Respondent purchased several facilities consisting of multiple II-R wells in located in the Allegheny National Forest in Elk County, Pennsylvania (jointly referred to as “Facility”). The Facility includes over 600 injection wells, both rule-authorized and permitted, under UIC Permit Nos. PAS2R208AELK, PAS2R208BELK, PAS2R208CELK, PAS2R208DELK, PAS2R222AELK. The Facility also includes abandoned wells within the area of review which, as a permit condition, required corrective action to prevent movement of fluid into USDWs.
43. EPA UIC permits PAS2R208BELK, PAS2R208CELK, PAS2RDELK, and PAS2R222BELK Part II.D.13.b, “Cessation of Injection Activity”, require that “[a]fter a cessation of injection for two years the owner or operator shall plug and abandon the wells in accordance with the Plugging and Abandonment Plan unless he...[d]escribes actions or procedures, satisfactory to the Director, that the owner or operator will take to ensure that the wells will not endanger USDWs during the period of temporary abandonment. These actions and procedures shall include compliance with the technical requirements applicable to active injection wells unless waived, in writing, by the Director.”
44. On October 4, 2017, EPA issued a Notice of Violation to Respondent for 22 injection wells, spread over four permits at the Facility, that had been out of compliance for loss of mechanical integrity for greater than 90 days. The NOV also addressed two additional wells that Respondent had notified EPA were out of compliance for a period of less than 90 days at the time.
45. On December 6, 2017, representatives of EPA met with representatives of Respondent at the regional EPA office. Respondent indicated that the company’s current financial assets were not adequate to cover repair of all of the wells that were out of compliance with mechanical integrity requirements (stated to be 32 wells at that time), or to cover site closure and abandonment if the company shut down.
46. Respondent has failed to comply with 40 C.F.R. § 144.28(f)(2) by failing to maintain the mechanical integrity of the injection wells identified in Paragraphs 44 and 45.
47. The Facility contains 48 abandoned wells, including wells authorized by rule or permit and wells requiring corrective action as a permit condition (see Attachment 4). A prior EPA criminal enforcement case against Ronald A. Wright, former contractor for S&T Services and Supply, Inc., the company retained by Respondent to initially plug wells, revealed that these 48 wells had been improperly plugged. Respondent has failed to properly plug these wells.
48. On April 17<sup>th</sup>, 2018, EPA issued an Administrative Order for Compliance, Docket No. SDWA-03-2018-0068DU, to Respondent that required Respondent to submit to EPA a plan for returning to compliance the above-mentioned 32 wells lacking mechanical integrity and the 48 abandoned wells identified through the criminal enforcement case that still require corrective action, within 90 days of the effective date of the Order. The effective date of this Administrative Order was May 17<sup>th</sup>, 2018. The deadline for submitting a Notice of Intent to Comply and a plan for compliance was August 15<sup>th</sup>, 2018.

49. On August 17<sup>th</sup>, 2018, Respondent submitted to EPA a Notice of Intent to Comply with the Administrative Order and a plan for bringing the named wells into compliance. Respondent stated in the plan that implementation of such plan was entirely dependent on the completion of the sale of the company.
50. On September 18<sup>th</sup>, 2018, EPA issued a letter to Respondent stating EPA's finding that the submitted plan for compliance was unacceptable based on the stipulation of the completed sale.
51. On February 11<sup>th</sup>, 2019, EPA issued a letter to Respondent stating that Respondent was in violation of the Administrative Order for failing to submit an approved plan for compliance to EPA.
52. On February 12<sup>th</sup>, 2019, EPA received a letter from Respondent's counsel stating that the pending sale of the Facility had fallen through and that Respondent would begin an orderly shut-down of operations on February 14<sup>th</sup>, 2019.
53. Upon information and belief, the Facility has three wells which were subject to the April 17, 2018 EPA Administrative Order for Compliance, Docket No. SDWA-03-2018-0068DU for being out of compliance with mechanical integrity regulations that still remain unrepaired as of the issue date of this Order (see Attachment 1). These wells were out of compliance at the time the Facility began shutdown procedures. Respondent failed to comply with 40 C.F.R §§ 144.28(f)(2) and 144.51(q)(1) by failing to maintain mechanical integrity of these three injection wells.
54. Upon information and belief, the Facility contains 7 additional wells that failed the last required mechanical integrity tests and remain unrepaired as of the issue date of this Order (see Attachment 2). These wells were out of compliance at the time the Facility began shutdown procedures. Respondent failed to comply with 40 C.F.R. §§ 144.28(f)(2) and 144.51(q)(1) by failing to maintain mechanical integrity of these injection wells.
55. Upon information and belief, Respondent has failed to comply with 40 C.F.R. §§ 144.28(c)(2)(iv) and 144.52(a)(6) by failing to comply with non-endangerment demonstration regulations at 217 wells after a cessation of operations of two years (see Attachment 3).
56. Upon information and belief, Respondent has failed to properly plug 48 wells (see Attachment 4), which were previously improperly plugged and which were subject to the April 17, 2018 EPA Administrative Order for Compliance, Docket No. SDWA-03-2018-0068DU.
57. In total, 275 wells must either be plugged and abandoned, demonstrate mechanical integrity, or demonstrate non-endangerment of underground sources of drinking water.

### **III. ORDER FOR COMPLIANCE**

Therefore, this 31st day of March, 2020, Respondent is hereby ORDERED, pursuant to this Section, to take the following actions in order to comply with the section or requirement of the SDWA cited above:

58. Within 30 days of the effective date of this Administrative Order (AO), Respondent shall submit to EPA a plan, subject to approval by EPA in accordance with Paragraph 59 below, which includes the following:

- a. a description of work to be performed to bring the 227 wells described in Attachments 1 - 3 into compliance through the following actions:
  1. demonstrate mechanical integrity in accordance with 40 C.F.R. § 146.8; or
  2. pursuant to 40 C.F.R. §§ 144.28 and 144.52, for those wells which have ceased operations for a period of at least two years, either:
    - a. plug and abandon such wells; or
    - b. describe actions or procedures, satisfactory to the EPA, that Respondent will take to ensure that the wells will not endanger underground sources of drinking water (USDWs) during the period of temporary abandonment. These actions and procedures shall include compliance with the technical requirements applicable to active injection wells unless waived by the EPA.
- b. a description of work to be performed to bring the 48 abandoned wells described in Attachment 4 into compliance through the following actions:
  1. identify all wells that will be plugged and abandoned in accordance with EPA and Pennsylvania Department of Environmental Protection (PADEP) regulatory requirements; and
  2. include methods of prioritization of wells to plug and abandon, expected timeframes for plugging and abandonment, and expected methods of re-entering improperly plugged wells.
    - a. a detailed compliance schedule for the work to be performed in such plan; and
    - b. a Standard Operating Procedure (“SOP”) to ensure that demonstration of non-endangerment of USDWs occurs at regular intervals following cessation of operations at the Facility.

59. Review of Submissions:

- a. For each submission required pursuant to this Order, EPA will in writing: (i) approve the submission in whole or in part; (ii) approve the submission upon specified conditions; (iii) modify the submission to cure any deficiencies; (iii) disapprove the submission, in whole or in part, or (iv) any combination of the above.
- b. If the submission is approved, Respondent shall take all actions required by the approved submission, in accordance with the schedules and requirements set forth in such approved submission or EPA’s written notification of approval. If the submission is conditionally approved or approved only in part, Respondent shall, upon written direction from EPA, take all actions required by any approved portion of the submission that EPA determines is technically severable from any disapproved portion.
- c. If the submission is disapproved in whole or in part, Respondent shall, within thirty (30) calendar days or such other time as EPA determines appropriate, correct all deficiencies and resubmit the disapproved portion of such submission for approval, in accordance with this Order.
- d. After review of any document resubmitted in accordance with Paragraph 59.c., above EPA will notify Respondent in writing that such resubmission is approved, disapproved or revised in whole or part. If the resubmission is approved, in whole or in part, Respondent shall proceed in accordance with Paragraph 59.b., above. If any portion of such resubmission is disapproved, EPA may again require Respondent to correct any deficiencies, in accordance



with Paragraph 59.c., above, or EPA may revise such document and correct any deficiencies and notify Respondent to take all actions required by such revised resubmission.

## **V. GENERAL PROVISIONS**

60. The following certification must accompany each submission by Respondent pursuant to this Order and must be signed by a Representative of Respondent authorized to sign on behalf of Respondent:

*“I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based upon my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.”*

61. Respondent’s compliance with the terms of this Order shall not relieve Respondent of their obligation to comply with all applicable provisions of the SDWA or any other Federal, State or local law or regulation nor shall it be a ruling on, or determination of, any issue related to any federal, state or local permit. This Order does not constitute a waiver, suspension or modification of the requirements of 40 C.F.R. Parts 144, 146 and 148 which remain in full force and effect.

62. Violation of the Order after its effective date may subject Respondent to a civil action in a United States district court with (1) penalties up to \$54,789 per day per violation as authorized in section 1423(b) of the Act, 42 U.S.C. § 300h-2(b), and as modified by EPA’s 2017 Civil Monetary Penalty Inflation Adjustment Rule, 40 C.F.R. § 19.4; and (2) if such violation is willful, in addition to or in lieu of a civil penalty, to imprisonment for not more than three years, or a fine in accordance with Title 18, or both.

63. Issuance of this Order is not an election by EPA to forego any civil or criminal action otherwise authorized by the SDWA. EPA reserves the right to seek any remedy available under the law that it deems appropriate to address the violations described herein. Compliance with this Order shall not be a defense to any action commenced pursuant to such authorities. Failure to comply and/or respond to this Order, or providing misleading or false information, may subject you to civil and/or criminal sanctions pursuant to, 33 U.S.C. § 1319.

## **VI. INTEGRATION**

64. This Order constitutes the final, complete, and exclusive agreement and supersedes all prior agreements and understandings, whether oral or written, concerning the settlement embodied herein, including Administrative Order for Compliance issued by EPA on April 17, 2018, Docket No. SDWA-03-2018-0068DU.

## **VII. OPPORTUNITY TO CONFER**

65. Pursuant to section 1423(c)(3)(A) and (B) of the Act, 42 U.S.C. § 300h-2(c)(3)(A) and (B), the EPA is providing public notice and an opportunity to comment on the Order prior to issuing the Final Order, and will notify Respondent of their opportunity to request a hearing on the Order. Any

request for a hearing by Respondent shall be made within thirty (30) calendar days of the date this Order is received by Respondent, and the request must be directed to the person and address specified in Paragraph 68 of this Order.

### **VIII. JUDICIAL REVIEW**

66. Respondent may seek federal judicial review of this Order pursuant to Chapter 7 of the Administrative Procedure Act, 5 U.S.C. §§ 701-706.

### **IX. NOTICE OF INTENT TO COMPLY**

67. Within ten (10) days of the effective date of this Order, Respondent shall submit to EPA a Notice of Intent to Comply with the Order. The Notice shall be submitted to:

SDWA and Wetlands Section Chief (3ED31)  
Enforcement and Compliance Assurance Division  
U.S. EPA Region III  
1650 Arch Street  
Philadelphia, PA 19103

### **X. EFFECTIVE DATE**

68. This Order will be considered issued upon filing with the Regional Hearing Clerk in Region III. Pursuant to Section 300h-2(c)(3)(B) and (D), 42 U.S.C. §§ 1423(2)(c)(3)(B) and (D) this Order will become effective thirty (30) days after issuance unless an appeal is filed by Respondent within thirty (30) days from the date of issuance.

### **XI. REQUEST FOR TERMINATION OF ORDER**

69. Subsequent to the twenty-fourth (24<sup>th</sup>) calendar month following the Effective Date, Respondent may submit to EPA a Request for Termination of this Order. Any Request for Termination shall include: i) a certification that Respondent has maintained compliance with this Order for the two-year period immediately preceding the Request for Termination, ii) all necessary documentation, including photo documentation as appropriate, to support a finding that Respondent has complied with the tasks required pursuant to this Order. If following review of any Request for Early Termination, EPA agrees that Respondent has adequately complied with all requirements of this Order, EPA shall provide written notification of termination of this Order.

Date: 03/31/2020

*Karen Melvin*

Karen Melvin, Director  
Enforcement & Compliance Assurance Division  
U.S. EPA Region III

**Attachment 1:**

**Injection wells cited in the April 2019 Administrative Order that remain out of compliance**

<b>Permit</b>	<b>Well ID</b>
PAS2R208BELK	37-047-21996
PAS2R208CELK	37-047-22151
PAS2R222AELK	37-047-21039

**Attachment 2:**

**Injection wells that failed the last MIT test and remain out of compliance with mechanical integrity test requirements**

<b>Permit</b>	<b>Well ID</b>
PAS2R208CELK	37-047-24082
PAS2R208CELK	37-047-24522
PAS2R208CELK	37-047-24740
PAS2R208CELK	37-047-23168
PAS2R222AELK	37-047-21170
PAS2R222AELK	37-047-21360
PAS2R222AELK	37-047-21034

**Attachment 3:**

**Injection wells out of compliance with non-endangerment demonstration requirements**

<b>Permit</b>	<b>Well ID</b>
PAS2R208AELK	37-047-20549
PAS2R208AELK	37-047-20550
PAS2R208AELK	37-047-20552
PAS2R208AELK	37-047-20558
PAS2R208AELK	37-047-20563
PAS2R208AELK	37-047-20564
PAS2R208AELK	37-047-20565
PAS2R208AELK	37-047-20662
PAS2R208AELK	37-047-20664
PAS2R208AELK	37-047-20674
PAS2R208AELK	37-047-20824
PAS2R208AELK	37-047-20826
PAS2R208BELK	37-047-21831
PAS2R208BELK	37-047-21907
PAS2R208BELK	37-047-21908
PAS2R208BELK	37-047-21909
PAS2R208BELK	37-047-21910
PAS2R208BELK	37-047-21911
PAS2R208BELK	37-047-21912
PAS2R208BELK	37-047-21913
PAS2R208BELK	37-047-21914
PAS2R208BELK	37-047-21915
PAS2R208BELK	37-047-21916
PAS2R208BELK	37-047-21917
PAS2R208BELK	37-047-21961
PAS2R208BELK	37-047-21963
PAS2R208BELK	37-047-21964
PAS2R208BELK	37-047-21965
PAS2R208BELK	37-047-21966
PAS2R208BELK	37-047-21967
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PAS2R208BELK	37-047-21969
PAS2R208BELK	37-047-21970
PAS2R208BELK	37-047-21971

Permit	Well ID
PAS2R208BELK	37-047-21973
PAS2R208BELK	37-047-21974
PAS2R208BELK	37-047-21975
PAS2R208BELK	37-047-21976
PAS2R208BELK	37-047-21988
PAS2R208BELK	37-047-21989
PAS2R208BELK	37-047-21990
PAS2R208BELK	37-047-21991
PAS2R208BELK	37-047-21992
PAS2R208BELK	37-047-21995
PAS2R208BELK	37-047-22008
PAS2R208BELK	37-047-22010
PAS2R208CELK	37-047-22059
PAS2R208CELK	37-047-22067
PAS2R208CELK	37-047-22105
PAS2R208CELK	37-047-22108
PAS2R208CELK	37-047-22119
PAS2R208CELK	37-047-22122
PAS2R208CELK	37-047-22153
PAS2R208CELK	37-047-22159
PAS2R208CELK	37-047-22172
PAS2R208CELK	37-047-22264
PAS2R208CELK	37-047-22386
PAS2R208CELK	37-047-22495
PAS2R208CELK	37-047-22506
PAS2R208CELK	37-047-22559
PAS2R208CELK	37-047-22560
PAS2R208CELK	37-047-22561
PAS2R208CELK	37-047-22562
PAS2R208CELK	37-047-22563
PAS2R208CELK	37-047-22578
PAS2R208CELK	37-047-22580
PAS2R208CELK	37-047-22599
PAS2R208CELK	37-047-22603
PAS2R208CELK	37-047-22636
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PAS2R208CELK	37-047-22715
PAS2R208CELK	37-047-22716
PAS2R208CELK	37-047-22718

Permit	Well ID
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PAS2R208CELK	37-047-22724
PAS2R208CELK	37-047-22725
PAS2R208CELK	37-047-22726
PAS2R208CELK	37-047-22727
PAS2R208CELK	37-047-22728
PAS2R208CELK	37-047-22733
PAS2R208CELK	37-047-22734
PAS2R208CELK	37-047-22757
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PAS2R208CELK	37-047-22763
PAS2R208CELK	37-047-22764
PAS2R208CELK	37-047-22765
PAS2R208CELK	37-047-22766
PAS2R208CELK	37-047-22767
PAS2R208CELK	37-047-22774
PAS2R208CELK	37-047-22778
PAS2R208CELK	37-047-22783
PAS2R208CELK	37-047-22797
PAS2R208CELK	37-047-22799
PAS2R208CELK	37-047-22800
PAS2R208CELK	37-047-22810
PAS2R208CELK	37-047-22836
PAS2R208CELK	37-047-22837
PAS2R208CELK	37-047-22840
PAS2R208CELK	37-047-22841
PAS2R208CELK	37-047-22888
PAS2R208CELK	37-047-22889
PAS2R208CELK	37-047-22996
PAS2R208CELK	37-047-22997
PAS2R208CELK	37-047-23000
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PAS2R208CELK	37-047-23091
PAS2R208CELK	37-047-23175
PAS2R208CELK	37-047-23184
PAS2R208CELK	37-047-23185
PAS2R208CELK	37-047-23187
PAS2R208CELK	37-047-23199

Permit	Well ID
PAS2R208CELK	37-047-23222
PAS2R208CELK	37-047-23223
PAS2R208CELK	37-047-23224
PAS2R208CELK	37-047-23225
PAS2R208CELK	37-047-23227
PAS2R208CELK	37-047-23229
PAS2R208CELK	37-047-23230
PAS2R208CELK	37-047-23231
PAS2R208CELK	37-047-23232
PAS2R208CELK	37-047-23234
PAS2R208CELK	37-047-23235
PAS2R208CELK	37-047-23236
PAS2R208CELK	37-047-23242
PAS2R208CELK	37-047-23243
PAS2R208CELK	37-047-23275
PAS2R208CELK	37-047-23291
PAS2R208CELK	37-047-23292
PAS2R208CELK	37-047-23293
PAS2R208CELK	37-047-23312
PAS2R208CELK	37-047-23343
PAS2R208CELK	37-047-23686
PAS2R208CELK	37-047-24087
PAS2R208CELK	37-047-24219
PAS2R208CELK	37-047-24341
PAS2R208CELK	37-047-24517
PAS2R208CELK	37-047-24523
PAS2R208CELK	37-047-24618
PAS2R208CELK	37-047-24752
PAS2R208DELK	37-047-22623
PAS2R208DELK	37-047-22624
PAS2R208DELK	37-047-22627
PAS2R208DELK	37-047-22798
PAS2R208DELK	37-047-22803
PAS2R208DELK	37-047-22804
PAS2R208DELK	37-047-22805
PAS2R208DELK	37-047-22806
PAS2R208DELK	37-047-22808
PAS2R208DELK	37-047-22811
PAS2R208DELK	37-047-22816



Permit	Well ID
PAS2R208DELK	37-047-22871
PAS2R208DELK	37-047-22875
PAS2R208DELK	37-047-22877
PAS2R208DELK	37-047-22878
PAS2R208DELK	37-047-22879
PAS2R208DELK	37-047-22880
PAS2R208DELK	37-047-22881
PAS2R208DELK	37-047-22882
PAS2R208DELK	37-047-22893
PAS2R208DELK	37-047-22894
PAS2R208DELK	37-047-22895
PAS2R208DELK	37-047-22896
PAS2R208DELK	37-047-22902
PAS2R208DELK	37-047-22905
PAS2R208DELK	37-047-22911
PAS2R208DELK	37-047-22914
PAS2R208DELK	37-047-22915
PAS2R208DELK	37-047-22916
PAS2R208DELK	37-047-22923
PAS2R208DELK	37-047-22924
PAS2R208DELK	37-047-22927
PAS2R208DELK	37-047-22941
PAS2R208DELK	37-047-22943
PAS2R208DELK	37-047-22944
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PAS2R208DELK	37-047-23072
PAS2R208DELK	37-047-23082
PAS2R222AELK	37-047-21040
PAS2R222AELK	37-047-21053
PAS2R222AELK	37-047-21085
PAS2R222AELK	37-047-21133
PAS2R222AELK	37-047-21160
PAS2R222BELK	37-047-21169
PAS2R222BELK	37-047-21176
PAS2R222BELK	37-047-21365
PAS2R222BELK	37-047-21536
PAS2R222BELK	37-047-21537
PAS2R222BELK	37-047-21540
PAS2R222BELK	37-047-21545

Permit	Well ID
PAS2R222BELK	37-047-21546
PAS2R222BELK	37-047-21547
PAS2R222BELK	37-047-21548
PAS2R222BELK	37-047-21551
PAS2R222BELK	37-047-21552
PAS2R222BELK	37-047-21559
PAS2R222BELK	37-047-21561
PAS2R222BELK	37-047-21563
PAS2R222BELK	37-047-21565
PAS2R222BELK	37-047-21566
PAS2R222BELK	37-047-21567
PAS2R222BELK	37-047-21574
PAS2R222BELK	37-047-21576
PAS2R222BELK	37-047-21579
PAS2R222BELK	37-047-21604
PAS2R222BELK	37-047-21662
PAS2R222BELK	37-047-21663
PAS2R222BELK	37-047-21666
PAS2R222BELK	37-047-21674
PAS2R222BELK	37-047-21676
PAS2R222BELK	37-047-21744
PAS2R222BELK	37-047-21746
PAS2R222BELK	37-047-21747
PAS2R222BELK	37-047-21797
PAS2R222BELK	37-047-21898
PAS2R222BELK	37-047-21899
PAS2R222BELK	37-047-22240

**Attachment 4:**

**Improperly plugged wells**

*Note that wells with a permit number are injection wells that were improperly plugged and those with no permit number are abandoned production wells.*

Permit	Well ID	Tract	Well #	Date Initially Plugged
	37-047-00083	PII [REDACTED]	2	07/26/12
	37-047-00204	PII [REDACTED]	22	06/21/07
	37-047-00275	PII [REDACTED]	23	05/17/07
	37-047-00281	PII [REDACTED]	30	05/17/07
	37-047-00284	PII [REDACTED]	35	04/12/10
	37-047-00346	PII [REDACTED]	4	08/15/12
	37-047-01255	PII [REDACTED]	5	09/10/12
	37-047-01298	PII [REDACTED]	25	10/22/10
	37-047-01611	PII [REDACTED]	44A	08/02/07
	37-047-01612	PII [REDACTED]	44B	07/25/07
	37-047-01622	PII [REDACTED]	3	06/07/07
	37-047-01742	PII [REDACTED]	15	12/14/06
	37-047-01743	PII [REDACTED]	17	10/25/06
	37-047-01813	PII [REDACTED]	18	06/18/07
	37-047-01842	PII [REDACTED]	28	06/06/07
	37-047-01846	PII [REDACTED]	37	02/07/10
	37-047-01856	PII [REDACTED]	41	08/06/10
	37-047-20347	PII [REDACTED]	8	11/14/06
	37-047-20348	PII [REDACTED]	9	01/25/07
PAS2R208AELK	37-047-20512	PII [REDACTED]	014	10/12/11
PAS2R208AELK	37-047-20566	PII [REDACTED]	024	04/15/09
PAS2R208AELK	37-047-20661	PII [REDACTED]	040	07/28/11
PAS2R208AELK	37-047-20665	PII [REDACTED]	044	08/10/11
PAS2R208AELK	37-047-20669	PII [REDACTED]	048	11/23/09
PAS2R208AELK	37-047-20679	PII [REDACTED]	062	10/22/09
PAS2R208AELK	37-047-20680	PII [REDACTED]	063	07/09/07
PAS2R208AELK	37-047-20682	PII [REDACTED]	065	10/09/09
PAS2R208AELK	37-047-20712	PII [REDACTED]	039	07/27/11
PAS2R208AELK	37-047-20716	PII [REDACTED]	060	08/25/11
PAS2R208AELK	37-047-20718	PII [REDACTED]	067	06/05/09
PAS2R208AELK	37-047-20720	PII [REDACTED]	070	04/27/07
PAS2R208AELK	37-047-20754	PII [REDACTED]	030A	09/29/11
PAS2R208AELK	37-047-20814	PII [REDACTED]	078	04/24/07
PAS2R208AELK	37-047-20823	PII [REDACTED]	088	10/15/09
PAS2R208AELK	37-047-20829	PII [REDACTED]	094	09/08/11

Permit	Well ID	Tract	Well #	Date Initially Plugged
PAS2R208AELK	37-047-20832	PII [REDACTED]	097	12/16/09
	37-047-21935	PII [REDACTED]	2	03/01/07
PAS2R208CELK	37-047-22556	PII [REDACTED]	04	11/15/11
	37-047-N/A	PII [REDACTED]	6A	11/28/08
	37-047-N/A	PII [REDACTED]	2	10/13/06
	37-047-N/A	PII [REDACTED]	3	05/02/11
	37-047-N/A	PII [REDACTED]	43	05/16/11
	37-047-N/A	PII [REDACTED]	25	02/09/07
	37-083-10112	PII [REDACTED]	9N	09/22/06
	37-083-10113	PII [REDACTED]	14	12/21/06
	37-083-30523	PII [REDACTED]	1	10/03/06
	37-083-N/A	PII [REDACTED]	14A	01/08/07
	N/A	PII [REDACTED]	27	05/24/07