



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION III  
FOUR PENN CENTER – 1600 JOHN F. KENNEDY BLVD.  
PHILADELPHIA, PENNSYLVANIA 19103**

**IN THE MATTER OF:**

Resources Preservation, Inc.,  
f/k/a ARG Resources, Inc.  
55 Alpha Drive West  
3<sup>rd</sup> Floor  
Pittsburgh, PA 15238

**ADMINISTRATIVE ORDER  
FOR COMPLIANCE**

Docket No. SDWA-03-2022-0038DU  
Proceedings Pursuant to Section  
1423(c) of the Safe Drinking Water  
Act, 42 U.S.C. § 300h-2(c).

**I. STATUTORY AUTHORITY**

1. This Administrative Order for Compliance (“2022 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 the Regional Administrator of EPA, Region III, who has redelegated it to the Director of the Enforcement and Compliance Assurance Division (“ECAD”), EPA Region III.

**II. STATUTORY AND REGULATORY FRAMEWORK**

3. Part C of the SDWA, Sections 1421 – 1429, 42 U.S.C. §§ 300h – 300h-8, sets forth the statutory requirements for the Underground Injection Control (“UIC”) program.
4. 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.
5. Section 1422(b) of the SDWA, 42 U.S.C. § 300h-1(b), provides that States, upon receipt of 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.
6. Pursuant to Sections 1421 and 1422 of SDWA, 42 U.S.C. §§ 300h and 300h-1, respectively, EPA has promulgated regulations for UIC programs at 40 C.F.R. Parts 144 through 147.
7. The Commonwealth of Pennsylvania has not obtained primacy. The EPA promulgated a program for the Commonwealth of Pennsylvania at 40 C.F.R. Part 147, Subpart NN, 40 C.F.R. §§ 147.1951- 1955, which became effective on June 25, 1984.

8. “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.”
9. “Director” is defined in 40 C.F.R. §144.3 to mean “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.”
10. “Regional Administrator” is defined in 40 C.F.R. §144.3 to mean “the Regional Administrator of the appropriate Regional Office of the Environmental Protection Agency or the authorized representative of the Regional Administrator.”
11. “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.”
12. “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.”
13. “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.’”
14. “Injection well” is defined in 40 C.F.R. § 144.3 to mean “a ‘well’ into which ‘fluids’ are being injected.”
15. “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.”
16. “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...”
17. “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.”
18. Federal regulations at 40 C.F.R. §144.6 define six classes of injection wells. Class II wells inject fluids which are brought to the surface in connection with conventional oil or natural gas production. Specifically, 40 C.F.R. § 144.6(b) defines wells which inject fluids for enhanced recovery of oil or natural gas as Class II wells.
19. 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. Injection into II-R wells may be authorized by rule or by permit.
20. 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 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.”

21. 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.”
22. 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.”
23. 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...”
24. 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.”
25. 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.”
26. 40 C.F.R. § 144.28(d)(1) requires that the owner and operator of a rule-authorized 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.”
27. 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).”

28. 40 C.F.R. § 144.28(g)(2)(iv)(B) requires that, for rule-authorized Class II wells, “[t]he owner or operator shall demonstrate mechanical integrity pursuant to 146.8 of this chapter at least once every five years”.
29. 40 C.F.R. § 144.28(f)(3) provides that when the Director determines that a rule-authorized Class II injection well lacks mechanical integrity pursuant to § 146.8 of this chapter,

...the Director shall give written notice of his [or 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 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.

30. 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.”
31. 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...”
32. 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...”
33. 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...”
34. 40 C.F.R. § 144.51(q)(2) specifies that when the Director determines that a Class II well authorized by a permit lacks mechanical integrity,

... 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.

35. 40 C.F.R. § 144.52(a)(6) requires that for Class II 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.

36. 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).

37. 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**

38. 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 55 Alpha Drive West, 3<sup>rd</sup> Floor, Pittsburgh, PA, 15238 and is therefore a “person” within the meaning of 40 C.F.R. §141.2.
39. In July of 2001, Respondent purchased several facilities consisting of multiple II-R wells located in the Allegheny National Forest in Elk County, Pennsylvania (jointly referred to as “Facility”). The Facility includes about 614 injection wells for enhanced recovery, both rule-authorized and permitted, under UIC Permit Nos. PAS2R208AELK, PAS2R208BELK, PAS2R208CELK, PAS2R208DELK, PAS2R222AELK, PAS2R222BELK. 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.
40. EPA UIC Permits PAS2R208BELK, PAS2R208CELK, PAS2R208DELK, and PAS2R222BELK Part II.C.4, “Monitoring Requirements,” require that “A demonstration of mechanical integrity in accordance with 40 C.F.R. 146.8 shall, after the initial demonstration, be made at least once every five years.”

41. For UIC rule-authorized Permits PAS2R208AELK and PAS2R222AELK, 40 C.F.R. § 144.28(g)(2) requires that, for Class II wells, “[t]he owner or operator shall demonstrate mechanical integrity pursuant to 146.8 of this chapter at least once every five years”.
42. EPA UIC Permits PAS2R208BELK, PAS2R208CELK, PAS2R208DELK, 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.”
43. For UIC rule-authorized permits PAS2R208AELK and PAS2R222AELK, 40 C.F.R. § 144.28(c)(2)(iv)(B) requires that if Class II wells cease operations for two years, the owner or operator shall plug and abandon the wells unless they show mechanical integrity or show non-endangerment in a way satisfactory to the Regional Administrator.
44. On April 17<sup>th</sup>, 2018, EPA issued an Administrative Order for Compliance, Docket No. SDWA-03-2018-0068DU (“2018 Order”), to Respondent that required Respondent to submit to EPA a plan to address the UIC violations described in the Order. Specifically, the 2018 Order required Respondent to address 32 wells lacking mechanical integrity and about 40 improperly plugged abandoned wells identified through a prior criminal enforcement case against a former plugging contractor. The effective date of the 2018 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.
45. On August 17<sup>th</sup>, 2018, in response to the 2018 Order, Respondent submitted a Notice of Intent to Comply to EPA and provided an implementation plan that was dependent on the sale of the company. On September 20, 2018, EPA rejected this plan.
46. On February 11<sup>th</sup>, 2019, EPA issued a letter to Respondent stating that Respondent was in violation of the 2018 Order for failing to submit an approvable plan for compliance. Respondent had not plugged the abandoned wells under the 2018 Order. At least three of the 32 wells under the 2018 Order remained out of compliance for lacking mechanical integrity.
47. On March 31<sup>st</sup>, 2020, EPA issued an Administrative Order for Compliance, Docket No. SDWA-03-2020-0009DU, to Respondent (“2020 Order”). The 2020 Order superseded the 2018 Order and included additional requirements. The 2020 Order required Respondent to submit to EPA a plan for addressing noncompliance at 275 wells. Specifically, the 2020 Order required Respondent to address three (3) wells that lacked mechanical integrity from the 2018 Order, seven (7) additional wells that failed their last mechanical integrity demonstration, 48 improperly plugged abandoned wells, and 217 wells that failed to comply with non-endangerment demonstration regulations after a cessation of operation of two years. On April 30<sup>th</sup>, 2020, the 2020 Order became effective, and the compliance plan was due May 30<sup>th</sup>, 2020.
48. On May 29<sup>th</sup>, 2020, Respondent submitted a plan for EPA review and approval in response to the 2020 Order. In the plan, Respondent acknowledged that the number of wells in the facility that

required non-endangerment testing if not plugged had increased from the 217 wells referenced in the 2020 Order.

49. On March 23<sup>rd</sup>, 2021, EPA issued a letter partially approving the plan and disapproving the deficient aspects of the plan. EPA partially approved the portion of the plan where Respondent would conduct non-endangerment testing of the temporarily abandoned wells at a rate of at least 5 wells per week, as well as the portion where Respondent would re-plug at least 10 wells per a consecutive 12-month period. EPA disapproved the portions of the plan that did not include compliance schedules or that conditioned compliance on the potential sale of the facility. EPA required Respondent to modify the deficient aspects of the plan and resubmit for EPA approval within thirty (30) days of receipt. Additionally, Respondent was required to immediately implement all actions required in the approved portions of the plan.
50. On April 14<sup>th</sup>, 2021, Respondent submitted a revised compliance plan for EPA review and approval. However, the revised plan failed to adequately address the deficiencies identified by EPA relating to the lack of financial capital and potential sale of the Facility. Respondent also stated that the number of wells requiring non-endangerment testing increased to 345, and that Respondent was only able to conduct non-endangerment testing at an average rate of 3.5 wells/week. Respondent explained that the 10 wells requiring mechanical integrity testing and the 48 wells requiring corrective action from the 2020 Order have not yet been addressed.
51. On October 5<sup>th</sup>, 2021, EPA issued a letter to Respondent disapproving the April 14, 2021 compliance plan as submitted. EPA revised the compliance plan, approved the plan as revised by EPA, and required Respondent to immediately begin implementing the approved plan.
52. On November 1<sup>st</sup>, 2021, Respondent sent a letter to EPA explaining their inability to implement the compliance plan as revised and approved by EPA, primarily due to a lack of funding and the failure to finalize the sale of the Facility.
53. Respondent ceased all injection and production operations in February 2019 and has not resumed operations to date. Therefore, it has been at least more than two years since any of the injection wells at the Facility have operated.
54. Upon information and belief, Respondent has ceased operations for longer than two years at 387 injection wells at the Facility not covered by the 2020 Order. None of these 387 wells have been plugged. (See Attachment 1).
55. Upon information and belief, Respondent has shown non-endangerment for 12 of the 387 temporarily abandoned wells. (See Attachment 2).
56. Upon information and belief, Respondent has not demonstrated non-endangerment after a cessation of operations of two years at 375 temporarily abandoned wells. (See Attachment 3).
57. Upon information and belief, 77 of the 387 temporarily abandoned wells have failed a non-endangerment test in the past two years. (See Attachment 4).
58. Upon information and belief, 73 of the 387 temporarily abandoned wells are overdue for a mechanical integrity test pursuant to 40 C.F.R. § 144.28(g)(2) and Permit PAS2R208CELK. (See

Attachment 5).

59. In total, 375 injection wells are out of compliance with UIC Permit requirements and Regulations. These wells must be plugged and abandoned pursuant to 40 C.F.R. §§ 144.28 and 144.52, unless Respondent demonstrates mechanical integrity or demonstrates non-endangerment of underground sources of drinking water as required.
60. On January 31, 2022, EPA filed a proposed order for compliance, where pursuant to Section 1423(c), 42 U.S.C. § 300h-2(c) of the SDWA, EPA proposed to issue this order to Resources Preservation to address non-compliance with the UIC permits and regulations as described above.
61. The January 2022 proposed order alleged that 375 of UIC wells operated by Resources Preservation were out of compliance with the UIC requirements. As alleged by Footnote 1 of Paragraph 58 of the proposed order, because 13 more of Respondent's UIC wells became due for mechanical integrity testing since the filing of the proposed order, 73 wells are now noncompliant.
62. Pursuant to Section 1423(c)(3)(A) of the Act, 42 U.S.C. § 300h-2(c)(3)(A), EPA gave written notice to the Respondent, sent via email and via UPS to Respondent's registered address, of the proposed order and notified Respondent that it could request a hearing to contest the issuance of this Final Order. Respondent neither commented nor requested a hearing.
63. 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 provided public notice and a 40-day opportunity to comment prior to issuing the final order. EPA did not receive any comments on the proposed order

#### **IV. ORDER FOR COMPLIANCE**

Therefore, Respondent is hereby ORDERED, pursuant to this Section, to take the following actions in order to comply with the sections or requirements of the SDWA cited above:

64. Respondent shall comply with all provisions of the SDWA, its implementing Regulations and applicable UIC Permits.
65. Pursuant to 40 C.F.R. §§ 144.28 and 144.52, Respondent shall plug and abandon those 375 temporarily abandoned wells covered by this 2022 Order which have ceased operations for a period of at least two years (herein "Temporarily Abandoned Wells") and for which the Respondent has not shown non-endangerment as of the Effective Date of this 2022 Order.
  - a. Respondent shall begin plugging the Temporarily Abandoned Wells within sixty (60) days of the Effective Date of this 2022 Order.
  - b. Respondent shall plug the Temporarily Abandoned Wells at a minimum rate of four (4) injection wells per calendar month.
  - c. Respondent shall prioritize plugging the Abandoned Wells in the following order:
    - i. Wells that have failed non-endangerment tests, listed in Attachment 4.
    - ii. Wells near any fresh drinking water supply sources.

- iii. Wells that are overdue for a mechanical integrity test, listed in Attachment 5.
  - iv. All remaining Temporarily Abandoned Wells listed in Attachment 3.
- d. Respondent shall continue to plug wells until all 375 noncompliant Abandoned Wells have been plugged.
- e. Respondent can forego plugging a Temporarily Abandoned Well if Respondent:
- i. Demonstrates mechanical integrity in accordance with 40 C.F.R. § 146.8; or
  - ii. Demonstrates non-endangerment through fluid level monitoring, where Respondent shall measure the fluid level in the well bore through the use of an echo meter, water level recorder, or other method(s) approved by the Director, and compare the fluid level to the defined lowermost USDW.
    - 1. Any well in which the fluid level is found to be more than 100 feet from the defined lowermost USDW will not be considered to be endangering the USDW.
    - 2. This demonstration is not adequate for any well that is overdue for a mechanical integrity test.
- f. Wells that pass a mechanical integrity test or are shown to not endanger USDW (as described above) do not count towards Respondent's monthly plugging requirement.
- g. If Respondent chooses not to plug a Temporarily Abandoned Well due to a demonstration of either non-endangerment or mechanical integrity, Respondent must continue to demonstrate mechanical integrity at least once every five years until it is plugged or returned to operation, pursuant to 40 C.F.R. § 144.28(g)(2) and Permits PAS2R208AELK, PAS2R208BELK, PAS2R208CELK, PAS2R208DELK, PAS2R222AELK and PAS2R222BELK. Respondent must also continue to demonstrate non-endangerment at least once every two years until it is plugged or returned to operation. If a well subsequently fails a mechanical integrity test or non-endangerment test, it must be plugged and abandoned.
66. Upon the Effective Date of this 2022 Order, Respondent shall send written progress reports to EPA no later than 10 calendar days following the end of every calendar quarter at the electronic address listed below. Such reports shall document progress toward compliance with the requirements of the 2022 Order, including documentation of well plugging, mechanical integrity tests, and other showings of non-endangerment.
67. This 2022 Order does not change or supersede other reporting requirements required by the applicable UIC Regulations or UIC Permits.
68. This 2022 Order does not change or supersede the requirements of the 2020 Order (No. SDWA-03-2020-0009DU).
69. Respondent shall submit any documentation, plans, reports, and analyses to:

Leah Zedella  
U.S. EPA Region III  
[zedella.leah@epa.gov](mailto:zedella.leah@epa.gov)

and

David Rectenwald  
U.S. EPA Region III  
[rectenwald.david@epa.gov](mailto:rectenwald.david@epa.gov)

## **V. GENERAL PROVISIONS**

70. The following certification must accompany each submission by Respondent pursuant to this 2022 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.*

71. The provisions of this 2022 Order shall apply to and be binding upon the Respondent and its officers, directors, employees, contractors, agents, trustees, successors and assigns of the Respondent.
72. Respondent's compliance with the terms of this 2022 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 2022 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.
73. Violation of the 2022 Order after its Effective Date may subject Respondent to a civil action in a United States district court as authorized by section 1423(b) of the Act, 42 U.S.C. § 300h-2(b), and as modified by EPA's Civil Monetary Penalty Inflation Adjustment Rule, 40 C.F.R. § 19.4.
74. Issuance of this 2022 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 2022 Order shall not be a defense to any action commenced pursuant to such authorities. Failure to comply and/or respond to this 2022 Order, or providing misleading or false information, may subject you to civil and/or criminal sanctions pursuant to, 33 U.S.C. § 1319.
75. For purposes of the identification requirement in Section 162(f)(2)(A)(ii) of the Internal Revenue Code, 26 U.S.C. § 162(f)(2)(A)(ii), and 26 C.F.R. § 162-21(b)(2), performance of tasks required by Paragraph 65 is restitution, remediation, or required to come into compliance with the law.

## **VI. JUDICIAL REVIEW**

67. Respondent may seek federal judicial review of the final 2022 Order pursuant Section 1423(c)(6) of the SDWA, 40 U.S.C. § 300h-2(c)(6) within 30 days of issuance.

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

68. Within ten (10) days of the Effective Date of the 2022 Order, Respondent shall submit to EPA a Notice of Intent to Comply with the 2022 Order. The Notice shall be submitted to:

Leah Zedella  
U.S. EPA Region III  
[zedella.leah@epa.gov](mailto:zedella.leah@epa.gov)

and

David Rectenwald  
U.S. EPA Region III  
[rectenwald.david@epa.gov](mailto:rectenwald.david@epa.gov)

## **VIII. EFFECTIVE DATE**

69. The final 2022 Order will be issued upon filing of the 2022 Order 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), the 2022 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.

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

70. Upon completion of the compliance tasks required by Section IV. Order for Compliance, Respondent may submit to EPA a Request for Termination of this 2022 Order. Any Request for Termination shall include: i) a certification that Respondent has plugged or shown non-endangerment or mechanical integrity in all the Temporarily Abandoned Wells covered by the 2022 Order, and 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 Termination, EPA agrees that Respondent has adequately complied with all requirements of the 2022 Order, EPA shall provide written notification of termination of the 2022 Order.

Karen Melvin, Director  
Enforcement & Compliance Assurance Division



Conshohocken, PA 19128

Date: \_\_\_\_\_

By: \_\_\_\_\_

NAME:

TITLE: