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March 5, 2014

Clerk of the Board  
U.S. Environmental Protection Agency  
Environmental Appeals Board  
1201 Constitution Avenue, NW  
WJC East, Room 3334  
Washington, DC 20004  
PHONE NUMBER - 202-233-0122

**RE:** Petition to Review (Appeal) Permit for Windfall Oil & Gas, Inc.  
**PERMIT #:** PAS2D020BCLE  
**PERMITTED FACILITY:** Class II-D injection well, Zelman #1

The City of DuBois Council, Mayor, and City Manager submit this letter of support asking that the deep injection well permit for Brady Township be denied for this proposed location. We participated numerous times in your comment periods and at your public hearing. This letter is in compliance with the request for review 40 C.F.R. §124.19.

Two regulations of great concern give 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 Form 7520-6 Underground Injection Control Permit Application states in instructions for Attachment B to, "submit a topographic map, extending one mile beyond the property boundaries." The EPA Response Summary (page 3, #6) is inaccurate in stating that the one mile topographic map was included and is on file at the library. The library still has the maps and none of them meet the EPA permit application criteria.

Additionally, the gas well logs found at the library in the permit application stated: 1) 033-20336 -- hydrofac on 2/2/61 ( on Chapman farm); 2) 033-20333 -- 12-22-60 fractured w/ 20,000 gals., 200 lb. gel, 1,000 gal acid and 20,000 lb. sand (Ginter); 3) 033-20341-P -- 11/25/60 Halliburton hydrafrac from 7,299 to 7,365 with 11,900 gal. frac. fluid (Carlson); 4) 033-20325-P -- dry hole, plug & abandon (Potter #1);

*"Gateway To Big Game Country"*

and 5) 033-20327 -- 9/27/60 fractured w/ 20,500 gals. water. The table with these well logs shows another deep gas well into the same formation as the permit application request although we didn't see a well log. The well logs with the permit application show they have been fractured and all wells reside right on the edge of the 1/4 mile area of review. Yet, Windfall stated on the permit application attachment "I" that, "no fracture data is available in the area on the confining zones." We find this statement inaccurate along with the EPA response summary (page 9, #10) is only 14 feet thick. Windfall had misstated that this confining zone was fifty feet thick. How many inaccuracies must be found before the permit is denied.

Proving fractures into the 1/4 mile area of review should be sufficient data to provide basis to deny this permit. Due to the regulations stating, "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."

The EPA Response Summary (page 10, #11) stated 5 Oriskany wells were further away locating them at least 1/2 mile to one mile from the proposed disposal injection well. This is inaccurate because they are right outside the 1/4 mile area of review just feet from the 1/4 mile line as shown on the maps provided with the permit application.

Additionally, the EPA Response Summary (page 11, #12) makes another incorrect statement, "In addition, there are no drinking water wells located within the one-quarter mile area of review." Residents state 17 water sources were identified in the 1/4 mile radius of review and the permit applicant included a map with the EPA permit showing 14 private drinking water sources.

Residents requested the area of review be extended due to the five gas wells in the Oriskany outside the 1/4 mile area of review and all the private drinking water sources. We know Darlene Marshall provided the EPA a list of water sources in a one mile area along with comments on both these concerns. Also at the public hearing, Rick Atkinson, provided a zone of endangering influence calculation that demonstrated at the December public hearing that assumed nontransmissive faults would change the zone of endangering influence making it larger so that the area of review should be extended. Both of these commenters stated the Carlson gas well should be considered as it is in the same formation as the injection zone and 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.

Please review our City of DuBois letter from September 10, 2013 stating our concerns with faults in the area of review. This letter is vital to the request to have this permit denied. Your own regulations state, "the confining zone be free of known open faults or fractures within the review area." Public comments provided have already given you sufficient evidence to deny this permit.

It is also questionable that a fault block exists even though the EPA Response Summary mentions fault blocks, since it isn't shown on the permit application map. Another inaccurate statement seems to exist based on the map information showing faults in relation to the gas wells (EPA Response summary page 7, #2), which mentions plugged wells not producing outside the fault block. This is an inaccurate statement because Atkinson's property well was never plugged and has been used till more recently

(may be currently listed as inactive) and is located on the permit applicant maps on the other side of a fault. Since they didn't prove a fault block exists or explain the depths of the faults they might be or might not be transmissive. With no way to prove if the faults are non-transmissive or transmissive we request the permit be denied.

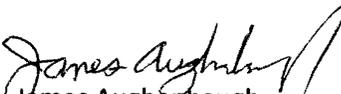
It seems that many items are inaccurate or questionable and the lack of geological information available during the permit review period should have been addressed already. Residents requested a comprehensive monitoring plan and with all the old gas wells in the area. You would think this would have been addressed. The City of DuBois stated concerns because of the proximity to our watershed and the abandoned gas wells (not City owned) with deteriorated casings. Our last letter stated, "undo pressure from injection activity could push fluids along the fault lines into abandoned gas wells with the potential to contaminate underground sources of drinking water." History has shown fluids moved in Erie from an injection well as far as five miles away and no new standards or casings protect where the fluids will travel over time below the surface once they reach the injection zone especially when known fractures and faults exist. Plus, parts of our City and much of the surrounding area are built atop a catacomb of old coal mines no longer worked. The City and state have spent considerable amounts of taxpayer money to clean-up the mine discharge that polluted Sandy Lick Creek which flows through DuBois.

Simply put, geologic and hydrological conditions in this area make the proposed site an egregiously poor one for such a well.

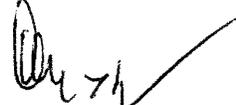
Sincerely,

  
Gary D. Gilbert  
Mayor

  
Diane Bernardo  
Councilwoman

  
James Aughenbaugh  
Councilman

  
Randy Schmidt  
Councilman

  
Edward Walsh  
Councilman