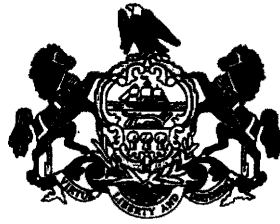


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March 12, 2014

Clerk of the Board
U.S. Environmental Protection Agency
Environmental Appeals Board
1200 Pennsylvania Avenue, NW
Mail Code 1103M
Washington, D.C. 20460 - 0001
Phone: 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

As a member of the Pennsylvania House of Representatives elected to represent the citizens of Brady Township, Clearfield County, Pennsylvania, I am writing to request review by the Environmental Appeals Board of the Class II-D Injection Well permit that was issued by the Environmental Protection Agency for the Zelman #1 well. I previously testified that I believed that it would be irresponsible to approve a permit in this location, and I remain convinced that the proper decision in this matter would be to deny this permit application.

In my verbal testimony at the EPA's public hearing held in Luthersburg, PA on December 10, 2012, I expressed concern that nearly two dozen nearby homes rely on drinking water wells within ¼ mile of the proposed injection site. Four of these residences are within 1,000 feet, which constitutes the presumptive liability radius under Title 58, Section 3218 of Pennsylvania law. The drinking water wells within this radius are significant cause for concern as to the potential impacts of this injection well. In their Response Summary, the EPA incorrectly noted on page 11, item 12 that "there are no drinking water wells located within the one-quarter mile area of review." Such an inaccuracy calls into question the reliability of the data that was used in the issuance of the permit.

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Environmental Appeals Board

March 12, 2014

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Aside from the aforementioned concerns, additional flaws in the permit application remain unaddressed by the EPA in their Response Summary. One notable error is the inaccurate statement on page 3, item 6 that asserts that a one-mile topographic map was filed with the application. The maps on file do not depict a full one-mile radius and do not meet the application criteria set forth in the EPA's Underground Injection Control (UIC) program.

An additional item that has not been adequately addressed is the question of fractures that may extend into the $\frac{1}{4}$ mile area of review. The EPA Response Summary inaccurately asserts that nearby Oriskany gas wells are further away than they actually are. The $\frac{1}{4}$ mile area of review extends to within feet of some of these Oriskany wells. No evidence has been presented to indicate that the fractures that were created in the initial development of these wells do not extend within the $\frac{1}{4}$ mile area of review radius.

I strongly believe that the proposed site for the Zelman #1 Class II-D injection well is unsuitable for this purpose and should be denied. However, if this permit issuance is allowed to stand, then the safety of the surrounding residences should be fully monitored and ensured. The five nearby Oriskany wells provide opportunity for monitoring wells. However, the EPA made no mention of monitoring wells in issuing their permit. I would ask that, in the unfortunate circumstance that the permit issuance is allowed to stand, that monitoring of surrounding wells be required. Anything less would be irresponsible.

Thank you in advance for your consideration of this request for review, which I submit in compliance with 40 C.F.R. §124.19. If you have any questions, or if I may provide further information, please feel free to contact me anytime.

Regards,



Matt Gabler

Member, 75th District

Pennsylvania House of Representatives