

**BEFORE THE ENVIRONMENTAL APPEALS BOARD
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C.**

In the Matter of:)	
)	
Bear Lake Properties, LLC)	
)	
)	
William A. Peiffer, Jr.,)	
Petitioner)	Permit Appeal: UIC 11-03
and)	
)	
Paul T. Stroup,)	
Petitioner)	
)	
UIC Permits Nos. PAS2D15BWAR)	
and PAS2D16BWAR)	
)	

REGION III'S SUPPLEMENTAL FILING OF ADMINISTRATIVE RECORD

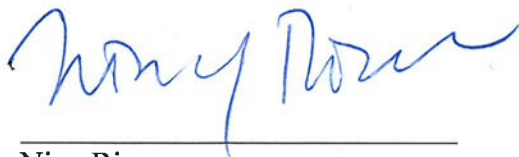
On August 25, 2011, EPA Region III (Region) filed a Response to a Petition for Review filed by Mr. William A. Peiffer, Jr. and Mr. Paul T. Stroup (Petitioners), who seek review pursuant to 40 C.F.R. § 124.19 of two permits issued by the Region to Bear Lake Properties, LLC, under the Underground Injection Control Program, Part C of the Safe Drinking Water Act, 42 U.S.C. § 300h *et seq.* The Region attached to the Response a certified index of the administrative record for the challenged permit decisions, as well as several other exhibits, consisting of copies of certain portions of the record. As instructed by the Environmental

Appeals Board (the Board) in its July 14, 2011, letter to Marcia Mulkey, Regional Counsel, the Response did not include the complete administrative record, but only relevant portions.

On May 10, the Region received an email from the Clerk of the Board requesting that the Region file the documents identified in the administrative record index under item 14. Item 14 includes EPA's Request for Additional Information after the Public hearing, and the Permittee's Response. Portions of item 14 were included in Exhibit 11 of the Response. As requested by the Board, the Region hereby files item 14 of the administrative record in its entirety.

In addition, the Region realizes that because the numbering of the exhibits in the Response does not correspond to the numbering in the administrative record index, it might be time consuming for the Board to correlate the exhibit list to the administrative record index. To facilitate the review of the documents in the exhibits, the Region includes in this filing an annotated exhibit list with correspondence to the administrative record index.

Respectfully submitted,



Nina Rivera
Assistant Regional Counsel (3RC20)
U.S. Environmental Protection Agency, Region III
1650 Arch Street
Philadelphia, Pennsylvania 19103
Phone: (215) 814-2667
Fax: (215) 814-2603
Email: rivera.nina@epa.gov


CERTIFICATE OF SERVICE

I hereby certify that I delivered a copy of the foregoing document on the date specified below, by certified mail, return receipt requested to:

Emily A. Collins, Esq.
Oday Salim, Esq.
University of Pittsburgh School of Law Environmental Law Clinic
P.O. Box 7226
Pittsburgh, PA 15213-0221

Paul T. Stroup
450 Scrambling Road
Corry, PA 16407

I also certify that I filed the foregoing document electronically with the Environmental Appeals Board on the same date.



Nina Rivera
Assistant Regional Counsel (3RC20)
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Email: rivera.nina@epa.gov

Date: 5/15/12

**ANNOTATED EXHIBIT LIST FOR REGION III'S RESPONSE
TO PETITION FOR REVIEW, PERMIT APPEAL UIC 11-03
(with correspondence to the administrative record index)**

Certified Index of the Administrative Record.....	Tab 1
UIC Permit Application For Bittinger #1 (Fragments).....	Tab 2
Section 1: Area of Review	
Section 2: Area of Review Maps	
Section 4: Name and Depth of USDWs	
Section 5: Geological Data on Injection and Confining Zones	
Section 7: Well Construction	
Appendix A	
Appendix B	
(part of administrative record item #3)	
UIC Permit Application For Bittinger #4 (Fragments).....	Tab 3
Section 1: Area of Review	
Section 2: Area of Review Maps	
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Section 5: Geological Data on Injection and Confining Zones	
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Appendix A	
Appendix B	
(part of administrative record item #4)	
Final Permit and Statement of Basis for Bittinger #1.....	Tab 4
(administrative record item #7)	
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<u>Warren Times Observer</u> January 21, 2011 notice.....	Tab 7
(part of administrative record item #9)	
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EPA Public Notices from the Region III website.....	Tab 9
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List of State Officials To Whom Draft Permits are Sent.....	Tab 10
(administrative record item #10)	
Ground water and Oil and Gas Well Information Submitted by Permittee After Public Hearing.....	Tab 11
(part of administrative record item #14)	
Public Comments Received after March 30, 2011.....	Tab 12
(part of administrative record item #1)	

ITEM 14 OF THE ADMINISTRATIVE RECORD:

**EPA Request to Permittee for Additional Information Subsequent to Hearing,
and Permittee Response to EPA Request**



Re: FW: EPA Permit - Bear Lake Properties 
Steve Platt to: Karl
Cc: KarenD Johnson, Dave Rectenwald

04/01/2011 11:48 AM

Karl,

Based on the public comment we have received, both written and from the public hearing, the public has expressed their concern that private drinking water wells and abandoned oil and gas wells have not been completely documented. Therefore, we are requesting that you conduct one final review, and provide documentation to EPA, on any additional private drinking water wells and abandoned oil and gas production wells located within one mile of the facility boundary. This would also include any wells found in New York state within one mile of the facility boundary. A map showing the location of these wells should also be provided. In addition, we will need the GPS locations of the Bittering #1 and Bittering #4 wells.

We would appreciate this information being provided to EPA by April 18, 2011. Please let me know if you have any questions.

S. Stephen Platt
U.S. EPA, Region 3
Ground Water & Enforcement Branch (3WP22)
1650 Arch Street
Philadelphia, PA 19103
215-814-5464



RE: Bear Lake Properties Revised AOR Maps - Bittinger #1, Bittenger #4 - Warren County, Pa.

Skoff, Dale

to:

Karl, Steve Platt

04/19/2011 12:23 PM

Hide Details

From: "Skoff, Dale" <Dale.Skoff@tetrattech.com>

To: Karl <trincorp@consolidated.net>, Steve Platt/R3/USEPA/US@EPA

History: This message has been replied to and forwarded.

2 Attachments



Bittinger4_wells_1-mile.xlsx Bittinger1_wells_1-mile.xlsx

Hi Steve.

Karl asked me to handle any corrections to the spreadsheets. I have attached the spreadsheets we sent to Karl with the Bittinger #1 and Bittinger #4 wells highlighted. As indicated, the Bittinger #1 and #4 wells have unique Lat/Long info. In the event you were referring to the list of wells on the the spreadsheets, there are many wells that are similar between the two spreadsheets since the Bittinger wells are only ¼ mile apart. Please clarify the type of corrections we may need to make, and we will be glad to promptly make any necessary changes. Thanks!

Dale

Dale E. Skoff, PG. CHMM | Geosciences Group Manager

Direct: 412.921.4006 | Main: 412.921.7090 | Cell: 724.766.5987 | Fax: 412.921.4040
dale.skoff@tetrattech.com

Tetra Tech

661 Andersen Drive, Foster Plaza 7, Pittsburgh, PA 15220 | www.tetrattech.com

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From: Karl [<mailto:trincorp@consolidated.net>]
Sent: Tuesday, April 19, 2011 11:23 AM
To: Skoff, Dale
Subject: FW: Bear Lake Properties Revised AOR Maps - Bittinger #1, Bittenger #4 - Warren County, Pa.

Dale – please forward the correct figures to Steve.

Thanks,

Karl

From: Platt.Steve@epamail.epa.gov [<mailto:Platt.Steve@epamail.epa.gov>]
Sent: Tuesday, April 19, 2011 10:48 AM
To: trincorp@consolidated.net
Subject: Re: Bear Lake Properties Revised AOR Maps - Bittinger #1, Bittenger #4 - Warren County, Pa.

Both Bittinger #1 and #4 have the same Lat/Long information on the spreadsheets that were sent. Please check and email me the correct information. I do not need you to send another map.

S. Stephen Platt
 U.S. EPA, Region 3
 Ground Water & Enforcement Branch (3WP22)
 1650 Arch Street
 Philadelphia, PA 19103
 215-814-5464

From: Trinity Energy Company <delivery@yousendit.com>
 To: Steve Platt/R3/USEPA/US@EPA
 Date: 04/18/2011 03:28 PM
 Subject: Bear Lake Properties Revised AOR Maps - Bittinger #1, Bittenger #4 - Warren County, Pa.

Steve, Please find attached the subject maps, as well as a file containing the gps coordinates of all gas wells and water wells within the 1 mile AOR. Please note that one gas well indicated on the original AOR (Cafish #1) is in fact plugged and abandoned - a PADEP original completion report and final plugging report for this well is also attached. Most of the additional water wells mapped are camp wells, and all will obviously be tested prior to water disposal. The older well discussed at the public meeting is indicated on the map (due west of the Bittinger #4) and listed as owner unknown. A site inspection indicates that this well was actively flowing fresh water to surface at the time of inspection in early April, 2011.

Download File

Sent by: trincorp@consolidated.net
 File to pick up: Bittinger 1 AOR Map_pdf.zip
 File will remain active for: 14 days

Link to file:
<http://rcpt.yousendit.com/1098852847/29e587049c3d3a584ed416f92e8b8b7a&rcpt=Platt.Steve@epamail.epa.gov>

File too big for email? Try at <http://www.yousendit.com>

[YouSendIt Inc.](#) | [Terms of Service](#) | [Privacy Policy](#)
1919 S. Bascom Avenue, 3rd Floor Campbell, CA 95008

Oil and Gas Wells Within 1 Mile of Bittering #1 Well, Warren County, PA

COMPANY NAME	SITE NAME	WELL ID	LATITUDE
LION ENERGY CO LLC	T REED 1 WELL	123-33829	41.9878617
LION ENERGY CO LLC	JOSEPH BITTINGER 2 WELL	123-33944	41.9972825
LION ENERGY CO LLC	D WRIGHT 1 WELL	123-39213	41.9920442
LION ENERGY CO LLC	R TRISKET 1 WELL	123-39273	41.9972603
LION ENERGY CO LLC	BITTINGER 4 WELL	123-39874	41.9973355
EMPIRE EXPLORATION INC	E CAFLISCH 1 WELL	123-41380	41.9970539
UNIVERSAL RESOURCES HOLDINGS INC	PAUL E TOPLOVICH 2 WELL	123-32721	41.9798762
LION ENERGY CO LLC	JOSEPH BITTINGER 1 WELL	123-33914	41.9937956
BELDEN & BLAKE CORP	T REED 4 OG WELL	123-35728	41.9888300
LION ENERGY CO LLC	SMITH RAS UNIT 1 WELL	123-34843	41.9927275
US ENERGY DEV CORP	THOMAS REED 1 WELL	123-32206	41.9888357
BELDEN & BLAKE CORP	JOSEPH BITTINGER 3 WELL	123-33945	41.9960222
LION ENERGY CO LLC	W W HAMMOND JR 1 WELL	123-33834	41.9838090
LION ENERGY CO LLC	T REED 2 WELL	123-33646	41.9881186
LION ENERGY CO LLC	R TRISKET 2 WELL	123-40751	41.9940773
Douglas Oil & Gas Limited Partnership	Harold Cornish Unit 2	19194	42.0007700
Empire Energy E&P LLC	Claypoole 1	20925	42.0049400
Empire Energy E&P LLC	Claypoole 2	20926	42.0058300
Empire Energy E&P LLC	Wozowicz Unit 1	20957	42.0022000
Empire Energy E&P LLC	Goodrich 1	21201	42.0010700
Empire Energy E&P LLC	Wozowicz 2	21209	42.0034100
Empire Energy E&P LLC	Ellington Hardwoods 1	21210	41.9994800

Groundwater Wells Within 1 Mile of Bittering #1 Well, Warren County, PA

WELL NAME	WELL ID	LATITUDE	LONGITUDE
Dave Beers Camp	N/A	41.999400	-79.549750
Dave Beers Sons Camp	N/A	42.002600	-79.545033
Dave Beers/Wozowicz Property	N/A	42.002433	-79.546867
David Bemis #2	N/A	41.999667	-79.527733
Mark Seetin	N/A	42.001283	-79.528433
Casper Goodrich	N/A	41.998850	-79.528217
Enos Miller	N/A	41.998267	-79.527367
Lion/Bear Lake Property	N/A	41.998367	-79.528617
Jack McCoy	N/A	41.992867	-79.534883
Ted Smith	N/A	41.994867	-79.527767
Ron Cracker	N/A	41.994767	-79.526617
Charlie Williams	N/A	41.993583	-79.526300
Jeff McRay	N/A	41.993650	-79.525033
Unknown	N/A	41.9980000	-79.5491667







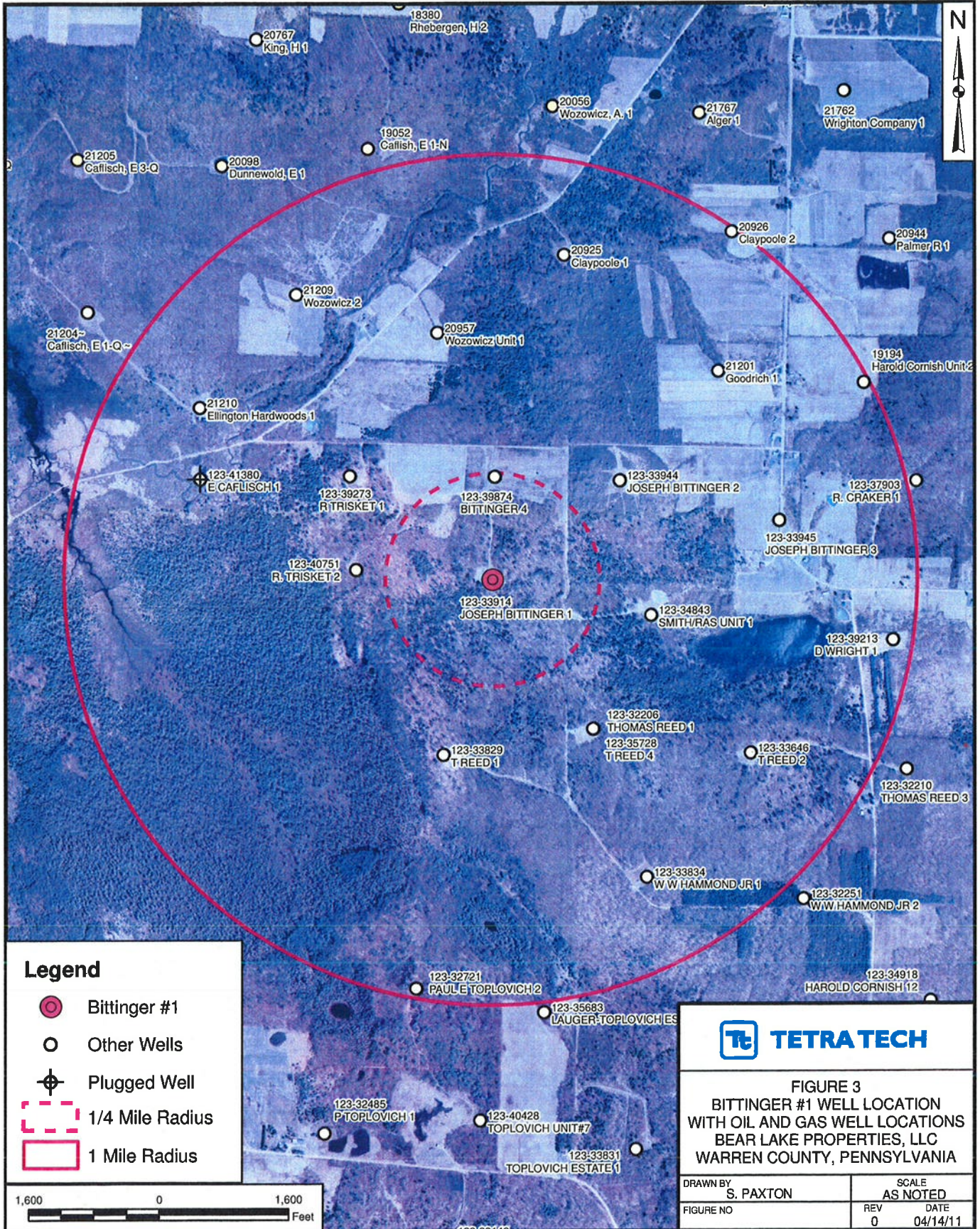
- Legend**
-  Bittering #1
 -  Water Well
 -  1/4 Mile Radius
 -  1 Mile Radius



FIGURE 1
 BITTINGER #1 WELL LOCATION
 WITH WATER WELL LOCATIONS
 BEAR LAKE PROPERTIES, LLC
 WARREN COUNTY, PENNSYLVANIA



DRAWN BY S. PAXTON		SCALE AS NOTED	
FIGURE NO		REV 0	DATE 04/14/11

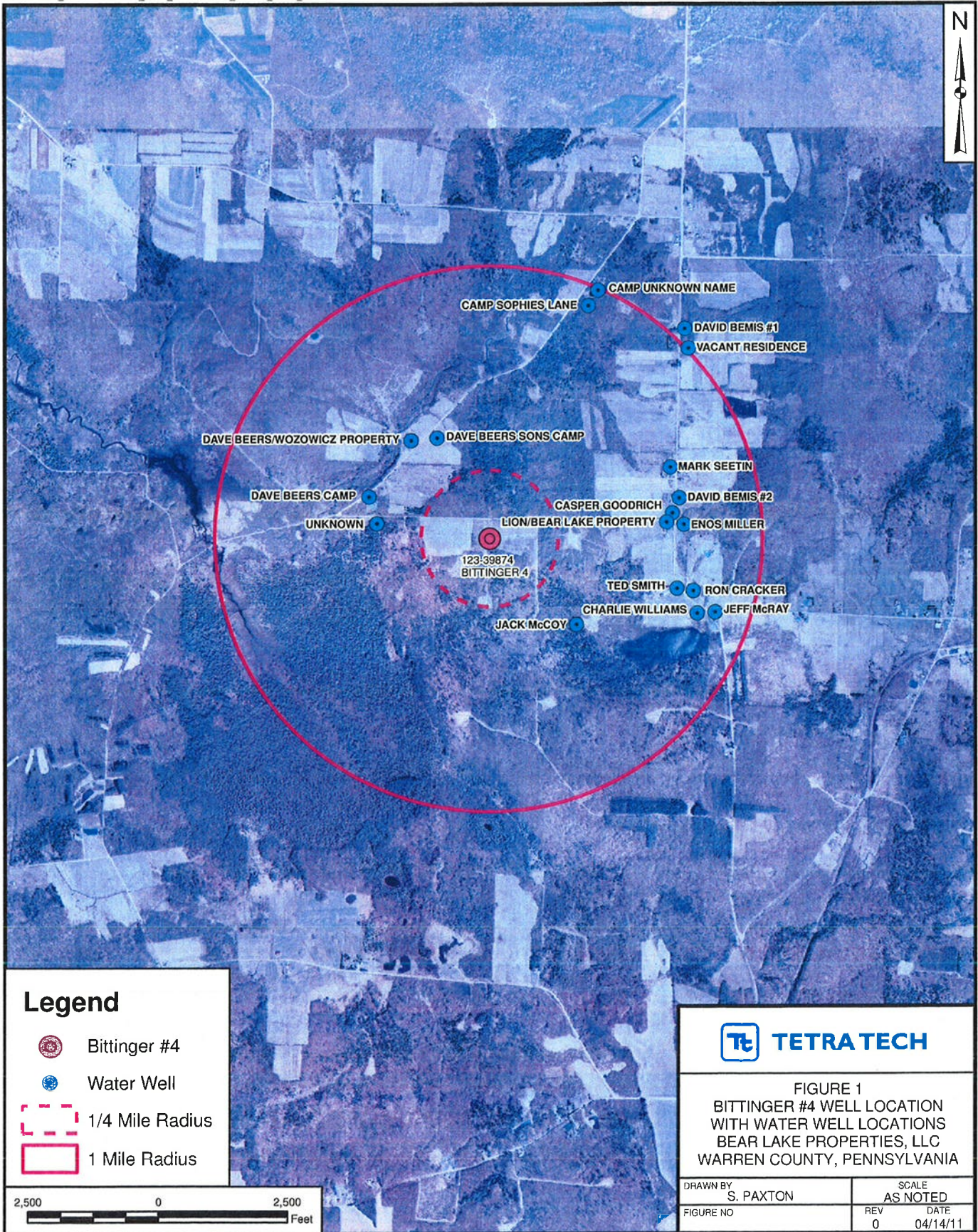


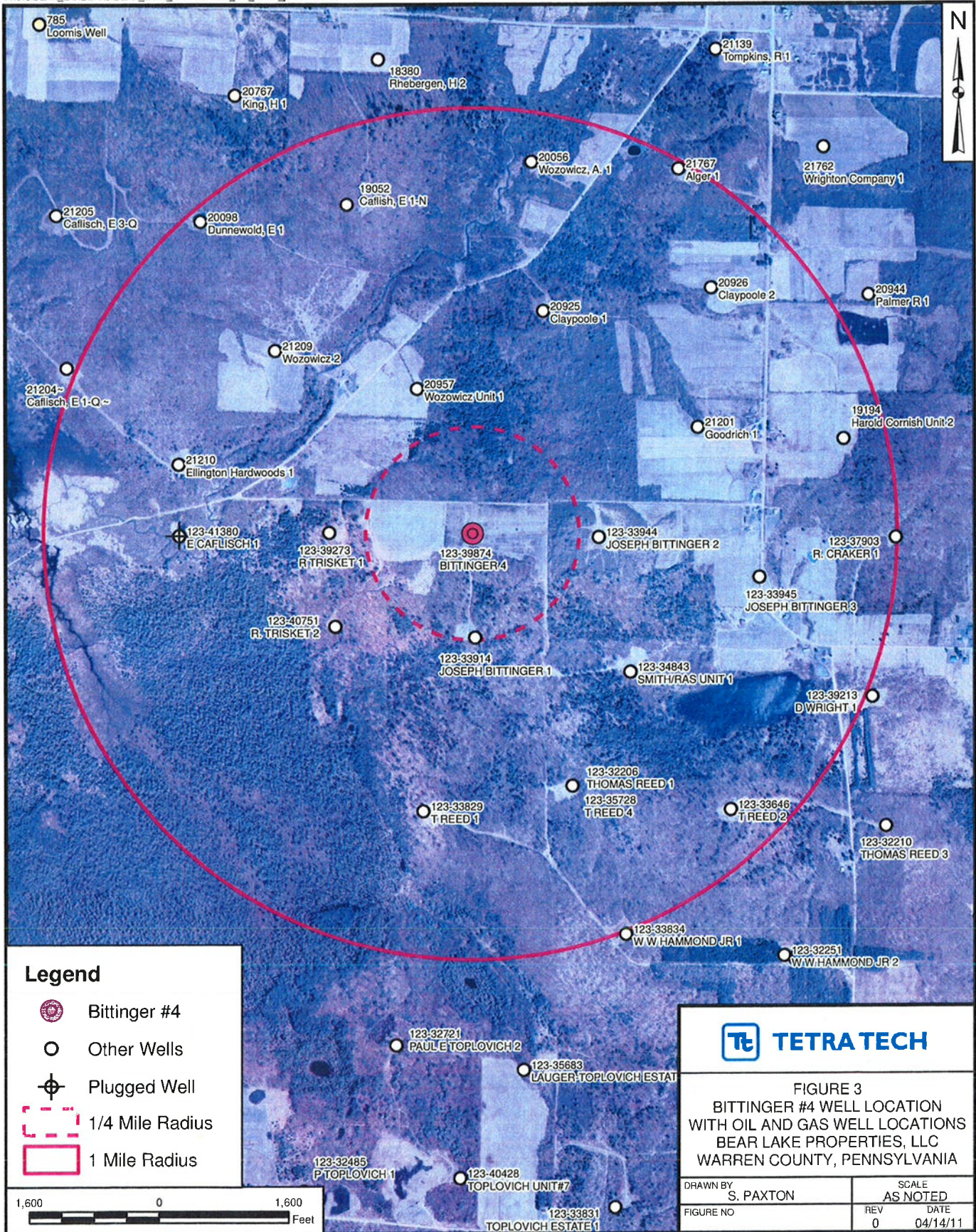
Oil and Gas Wells Within 1 Mile of Bittering #4 Well (Warren County, PA)

COMPANY NAME	SITE NAME	WELL ID	LATITUDE	LONGITUDE
LION ENERGY CO LLC	T REED 1 WELL	123-33829	41.9878617	-79.5431584
LION ENERGY CO LLC	JOSEPH BITTINGER 2 WELL	123-33944	41.9972825	-79.5354273
LION ENERGY CO LLC	R TRISKET 1 WELL	123-39273	41.9972603	-79.5476649
LION ENERGY CO LLC	BITTINGER 4 WELL	123-39874	41.9973355	-79.5410925
EMPIRE EXPLORATION INC	E CAFLISCH 1 WELL	123-41380	41.9970539	-79.5544707
LION ENERGY CO LLC	R CRAKER 1 WELL	123-37903	41.9974510	-79.5218160
LION ENERGY CO LLC	JOSEPH BITTINGER 1 WELL	123-33914	41.9937956	-79.5409614
BELDEN & BLAKE CORP	T REED 4 OG WELL	123-35728	41.9888300	-79.5363973
LION ENERGY CO LLC	SMITH RAS UNIT 1 WELL	123-34843	41.9927275	-79.5338611
US ENERGY DEV CORP	THOMAS REED 1 WELL	123-32206	41.9888357	-79.5363971
BELDEN & BLAKE CORP	JOSEPH BITTINGER 3 WELL	123-33945	41.9960222	-79.5280690
LION ENERGY CO LLC	T REED 2 WELL	123-33646	41.9881186	-79.5291690
LION ENERGY CO LLC	R TRISKET 2 WELL	123-40751	41.9940773	-79.5472968
Douglas Oil & Gas Limited Partnership	Harold Cornish Unit 2	19194	42.0007700	-79.5243100
Empire Energy E&P LLC	Claypoole 1	20925	42.0049400	-79.5381700
Empire Energy E&P LLC	Claypoole 2	20926	42.0058300	-79.5305400
Empire Energy E&P LLC	Wozowicz Unit 1	20957	42.0022000	-79.5438300
Empire Energy E&P LLC	Goodrich 1	21201	42.0010700	-79.5310200
Empire Energy E&P LLC	Wozowicz 2	21209	42.0034100	-79.5502800
Empire Energy E&P LLC	Ellington Hardwoods 1	21210	41.9994800	-79.5545600
Empire Energy E&P LLC	Caflish, E 1-N	19052	42.0084400	-79.5471500
Empire Energy E&P LLC	Wozowicz, A. 1	20056	42.0100100	-79.5388300
Empire Energy E&P LLC	Dunnewold, E 1	20098	42.0077600	-79.5537800
Empire Energy E&P LLC	Alger 1	21767	42.0098700	-79.5321300

Groundwater Wells Within 1 Mile of Bittering #4 Well (Warren County, PA)

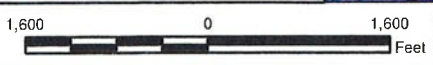
WELL NAME	WELL ID	LATITUDE	LONGITUDE
Dave Beers Camp	N/A	41.999400	-79.549750
Dave Beers Sons Camp	N/A	42.002600	-79.545033
Dave Beers/Wozowicz Property	N/A	42.002433	-79.546867
Camp Sophies Lane	N/A	42.009800	-79.534500
Camp Unknown Name	N/A	42.010633	-79.533833
Vacant Residence	N/A	42.007633	-79.527317
David Bemis #2	N/A	41.999667	-79.527733
Mark Seetin	N/A	42.001283	-79.528433
Casper Goodrich	N/A	41.998850	-79.528217
Enos Miller	N/A	41.998267	-79.527367
Lion/Bear Lake Property	N/A	41.998367	-79.528617
Jack McCoy	N/A	41.992867	-79.534883
Ted Smith	N/A	41.994867	-79.527767
Ron Cracker	N/A	41.994767	-79.526617
Charlie Williams	N/A	41.993583	-79.526300
Jeff McRay	N/A	41.993650	-79.525033
Unknown	N/A	41.9980000	-79.5491667





Legend

-  Bittinger #4
-  Other Wells
-  Plugged Well
-  1/4 Mile Radius
-  1 Mile Radius






FIGURE 3
BITTINGER #4 WELL LOCATION
WITH OIL AND GAS WELL LOCATIONS
BEAR LAKE PROPERTIES, LLC
WARREN COUNTY, PENNSYLVANIA

DRAWN BY S. PAXTON	SCALE AS NOTED
FIGURE NO	REV DATE 0 04/14/11