

EXHIBIT 9

>



Mid-Atlantic Water

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Equitable Resources Exploration Company, Dickinson County, VA
Washington Aqueduct, DC
Ligonier Township Municipal Authority, Ligonier, PA
CNX Gas Company, LLC, Greene County, PA
Service Energy, LLC -- Lewes and Milford Plants, Dover, DE
Deep Springs Road Waterline Extension Project, Grant County, WV
BDH Oil, Inc., PA
Accotink Creek Watershed, VA
CNX Gas Company, Buchanan County, Virginia
City of Harrington, DE
MS4 Permit, District of Columbia
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Small Diameter Distribution Main Rehabilitation: Contract 7, DC

CATEGORICAL EXCLUSION

U.S. ENVIRONMENTAL PROTECTION AGENCY-- REGION 3
Office of Infrastructure and Assistance (3WP50)

1650 Arch Street

Philadelphia, Pennsylvania 19103

Comments will be accepted until: July 26, 2011

NOTICE: The U.S. Environmental Protection Agency (EPA), Region 3 has concluded that the following project is consistent with the categories of actions eligible for a categorical exclusion. This means that an environmental information document will not be required, and an environmental assessment or environmental impact statement will not be prepared for this project.

Official Project Name:

Small Diameter Distribution Main Rehabilitation: Contract 7
 Drinking Water Improvements
 Project FS-993814-10

Project Applicant:

District of Columbia Water and Sewer Authority
 5000 Overlook Avenue, S.W.,
 Washington, D.C. 20032

NEED AND DESCRIPTION: The purpose of the proposed project is to replace, on a priority basis, approximately 6.7 miles of "small diameter" water mains, water mains that are 12 inches or less in diameter, in various portions of the District of Columbia.

The District of Columbia Water and Sewer Authority (DC WASA aka "DC Water") water system contains approximately 1,300 miles of pipe, of which, 1,060 miles are 12-inch diameter and smaller. The median age of all the water mains in the DC Water system is 77 years with a median installation date of 1933. Approximately 740 miles of the distribution mains are unlined cast iron pipe which are among the most problematic in the system. These pipes are prone to tuberculation, a condition which reduces hydraulic capacity and is a potential water quality concern. These also have a poor record of breaks and leaks.

on-site sewage disposal systems (OSDS). As well as the threat of sewage contamination of the wells, recent low rainfall levels have caused an unreliable water supply. A recent Virginia Department of Health survey identified 29 wells in the project area in need of replacement. The underground water supply will continue to degrade as demand continues to increase.

The purpose of this project is to protect public health and the environment by providing a safe, reliable source of water for both drinking and fire fighting for the area. The estimated cost for the new system is \$3,908,562. The local share of the project costs will be paid for through local funds, initial net tapping fees, and the \$482,100 Appropriations Act grant from EPA, which is the basis for this environmental assessment. The EPA funds will be used to cover the costs of land acquisition, demolition and removal, and a portion of the construction costs.

OPPORTUNITY FOR COMMENT: Title 40 Part 6.400(d) requires EPA to provide sufficient opportunity for public review of a preliminary Finding of No Significant Impact before the decision becomes effective. Written supporting or disagreeing comment to this preliminary decision may be submitted for consideration.

Comments should be sent to:

**McAdams.David@epa.gov
Office of Infrastructure and Assistance (3WP50)
EPA Region 3
1650 Arch Street
Philadelphia, PA 19103
David McAdams (215) 814-5764**

Interested parties may contact the above EPA representative to learn more about this action.

**Columbia Township, Warren County, PA
NOTICE OF PROPOSAL TO ISSUE FINAL PERMIT,
OPPORTUNITY FOR PUBLIC HEARING,
AND
REQUEST FOR PUBLIC COMMENT**

**U.S. ENVIRONMENTAL PROTECTION AGENCY, REGION 3
Water Protection Division, Office of Drinking Water and Source Water
Protection
Ground Water & Enforcement Branch (3WP22)
1650 Arch Street
Philadelphia, Pennsylvania 19103**

**Date of Notice: January 21, 2011
UIC Permit Nos.: PAS2D215BWAR and PAS2D216BWAR**

Comments will be accepted until March 23, 2011.

The U. S. Environmental Protection Agency (EPA), Region III, has developed draft final Underground Injection Control (UIC) permits (PAS2D215 BWAR and PASD216BWAR) for Bear Lake Properties, LLC,

ed Pub

under the authority of the UIC regulations at 40 CFR Parts 124, 144 and 147, for the purpose of constructing and operating two Class I injection wells to dispose of produced fluids, produced in association with oil and gas production operations.

DESCRIPTION: Bear Lake Properties plans to dispose of these fluids through two injection wells, the Bittering #1 and Bittering #4, into the Medina Formation located in Columbia Township, Warren County, Pennsylvania. A permit is required to meet the provisions of the EPA administered UIC Program in Pennsylvania.

OPPORTUNITY FOR COMMENT: Persons wishing to comment on the Administrative Record for this permit action remains available for public inspection during normal business hours at:

**EPA Region III
Ground Water and Enforcement Branch
Office of Drinking Water and Source Water Protection
1650 Arch Street
Philadelphia, Pennsylvania 19103**

All information submitted by the applicant, unless deemed confidential, is available to the public in the Administrative Record. The Administrative Record includes the permit applications, draft permits, statement of basis, public notice and all related correspondence. A copy of the information listed above is available for review and inspection at:

**Warren County Public Library
205 Market Street Extension
Warren, Pennsylvania 16365**

EPA solicits public comment on the proposal to issue final UIC permits for this facility. The public hearing which had originally been scheduled for Wednesday, February 23, 2011, and postponed, has been rescheduled for:

**Wednesday, March 23, 2011 at 7:00 P.M.
Columbus Social Hall
4 West Main Street
Columbus, Pennsylvania 16405**

The Administrative Record for this action will remain open for public comment through March 23, 2011.

FOR FURTHER INFORMATION: Interested persons may obtain further information, including copies of the draft permit and the statement of basis, by contacting:

**Stephen Platt
Ground Water and Enforcement Branch (3WP22)
Office of Drinking Water and Source Water Protection
U.S. EPA Region III
1650 Arch Street
Philadelphia, PA 19103
platt.steve@epa.gov or by phone at (215) 814-5464**

Comments should be sent to:

**Koge Suto (Suto.Koge@epa.gov)
Office of Infrastructure and Assistance (3WP50)
EPA Region 3
1650 Arch Street
Philadelphia, PA 19103**

Interested parties may contact the above EPA representative to learn more about this action.

**Columbia Township, Warren County, PA
NOTICE OF PROPOSAL TO ISSUE FINAL PERMIT,
OPPORTUNITY FOR PUBLIC HEARING,
AND
REQUEST FOR PUBLIC COMMENT**

**U.S. ENVIRONMENTAL PROTECTION AGENCY, REGION 3
Water Protection Division, Office of Drinking Water and Source Water
Protection
Ground Water & Enforcement Branch (3WP22)
1650 Arch Street
Philadelphia, Pennsylvania 19103**

**Date of Notice: January 21, 2011
UIC Permit Nos.: PAS2D215BWAR and PAS2D216BWAR**

Comments will be accepted until February 23, 2011.

The U. S. Environmental Protection Agency (EPA), Region III, has developed draft final Underground Injection Control (UIC) permits (PAS2D215 BWAR and PASD216BWAR) for Bear Lake Properties, LLC, under the authority of the UIC regulations at 40 CFR Parts 124, 144, 146 and 147, for the purpose of constructing and operating two Class II D injection wells to dispose of produced fluids, produced in association with oil and gas production operations.

DESCRIPTION

Bear Lake Properties plans to dispose of these fluids through two injection wells, the Bittering #1 and Bittering #4, into the Medina Formation located in Columbia Township, Warren County, Pennsylvania. A permit is required to meet the provisions of the EPA administered UIC Program in Pennsylvania.

OPPORTUNITY FOR COMMENT

Persons wishing to comment on the Administrative Record for this permit action remains available for public inspection during normal business hours at:

EPA Region III

**Ground Water and Enforcement Branch
Office of Drinking Water and Source Water Protection
1650 Arch Street
Philadelphia, Pennsylvania 19103**

All information submitted by the applicant, unless deemed confidential, is available to the public in the Administrative Record. The Administrative Record includes the permit applications, draft permits, statement of basis', public notice and all related correspondence. A copy of the information listed above is available for review and inspection at:

**Warren County Public Library
205 Market Street Extension
Warren, Pennsylvania 16365**

EPA solicits public comment on the proposal to issue final UIC permits for this facility. A public hearing has been tentatively scheduled on:

**Tuesday, February 23, 2011 at 7:00 P.M.
Youngsville High School Auditorium
227 College Street
Youngsville, Pennsylvania 16371**

Requests to hold a public hearing must be received in the office listed below by February 16, 2011. When requesting a public hearing, please state the nature of the issues proposed to be raised. EPA expressly reserves the right to cancel this hearing unless a significant degree of public interest, specific to the proposed brine disposal injection operations, is evidenced by the above date. In any case, the Administrative Record for this action will remain open for public comment until February 23, 2011.

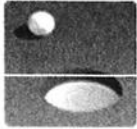
FOR FURTHER INFORMATION

Interested persons may obtain further information, including copies of the draft permit and the statement of basis, by contacting:

**Stephen Platt
Ground Water and Enforcement Branch (3WP22)
Office of Drinking Water and Source Water Protection
U.S. EPA Region III
1650 Arch Street
Philadelphia, PA 19103
platt.steve@epa.gov or by phone at (215) 814-5464**

Public Notice

**City of Baltimore, Maryland
NOTICE OF INTENT TO ASSESS ADMINISTRATIVE PENALTY
AND
OPPORTUNITY FOR PUBLIC COMMENT
U.S. ENVIRONMENTAL PROTECTION AGENCY, REGION 3
Water Protection Division, Office of NPDES Permits and Enforcement,
NPDES Enforcement Branch (3WP42)
1650 Arch Street
Philadelphia, Pennsylvania 19103
Date of Notice: October 7, 2010
NPDES Permit No.: MD0068292
DOCKET NUMBER: CWA-03-2010-0405**



Public Notice

Steve Platt to: Debra Forman
Cc: KarenD Johnson

03/02/2011 11:36 AM

Deb,

Would appreciate it if you could post this Underground Injection Control Program public notice on our web site on Friday, March 4.



Bear Lake PAS2D215BWARdrftpubnot2.doc

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

EXHIBIT 10

LIST OF ADDRESSEES WHEN MAILING PERMITS

COMMONWEALTH OF PENNSYLVANIA

STATE OFFICES

Back
Mr. ~~James Erb~~ *Scott Perry*, Director
PA DEP
Bureau of Oil and Gas Management *P, PN, SOB*
RCSOB 5th Floor, 400 Market St.
P.O.Box 8765
Harrisburg, PA 17105-8765

Executive Director
Pennsylvania Fish & Boat Commission *PN*
P. O. Box 67000
Harrisburg, PA 17106-7000

Ms. ~~Cindy Tibbot~~ *Tammy Palmatier*
U.S. Fish & Wildlife *PN*
Suite 322
315 S. Allen St.
State College, PA 16801

Pennsylvania Game Commission
Division of Environmental ~~Assessment & Management~~ *Planning & Habitat Protection* *SOB*
~~Oil, Gas & Mineral~~ *Section* *PN + Map of Project Area.*
Attn: Mr. ~~Greg Verabowicz~~ *Kerry Spielman*
2001 Elmerton Avenue
Harrisburg, PA 17110-9797 *Jean Cutler,*

Mr. ~~Curt W. Carr~~, Chief *Barbara Frazee*, Director
Division of Archaeology & Protection
Pennsylvania Historical & Museum Comm. *PN* *Commonwealth Keystone Building, Second Fl.*
Bureau of Historic Preservation *New N. St.*
P.O. Box ~~1026~~ *20 0093*
Harrisburg, PA 17108-1026

ALWAYS MAIL CLASS IIR & CLASS V

Mr. Don L. Klima, Chief
E. Division Project Review
Advisory Council on Historic Preservation
1100 Pennsylvania Ave., Suite 809
Washington, D.C. 20004

Mr. David J. Rectenwald
317 W. Main Street *P, PN, SOB*
P.O.Box 47
Titusville, PA 16354

* ALWAYS SEND COPY OF PUBLIC NOTICE AND STATEMENT OF BASIS TO THE APPLICABLE COUNTY COMMISSIONERS AND THE APPLICABLE TOWNSHIP SUPERVISOR

THE FOLLOWING DEP OFFICES ARE BROKEN DOWN BY COUNTIES. SEND TO THE APPROPRIATE DEP OFFICE.

ELK COUNTY, MCKEAN COUNTY

District Ranger
U. S. Forest Service
Box 28A, Route 1
Ridgway, PA 15853

*Keanne Marten, Forest Supervisor
Allegheny National Forest
222 Liberty St., P.O. Box 847
Warren, PA 16365*

(For Counties of: Bradford, Cameron, Clearfield, Centre, Clinton, Columbia, Lycoming, Montour, Northumberland, Potter, Sullivan, Snyder, Tioga, Union)

Department of Environmental Protection
Water Quality Field Supervisor
200 Pine Street
Williamsport, PA 17701

PN

(For Counties of Bradford, Clarion, Crawford, Elk, Erie, Forest, Jefferson, Lawrence, McKean, Mercer, Venango, Warren)

~~Mr. Ken Young~~ *S. Craig Robins*
Regional Oil and Gas Manager
DEP of Environmental Protection
Northwest Regional Office
230 Chestnut St.
Meadville, PA 16335-3481

P, PN, SOB

(For Counties of Allegheny, Armstrong, Beaver, Cambria, Fayette, Greene, Indiana, Somerset, Washington and Westmoreland)

~~Mr. David Janco~~ *Alan Eichler*
Regional Oil and Gas Manager
Southwest Regional Office
Department of Environmental Protection
400 Waterfront Drive
Pittsburgh, PA 15222-4745

P, PN, SOB

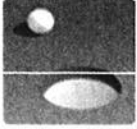
724 925 5435 *Eric Moquet*

(Warren County Only)

Mr. Nils Johnson
Land Staff Officer
U. S. Forest Service
Box 847
Warren, PA 16365

Greene County
Ms. Robbie Matesic
Executive Director
Department of Economic Development
49 South Washington St.
Waynesburg, PA 15370
724-852-5300
724-852-2944 (fax)

EXHIBIT 11



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 Bittinger #1 and Bittinger #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

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

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 #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	41.998000	-79.5491667

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

EXHIBIT 12



Mary Heston
<hestonmt@hotmail.com>

04/01/2011 08:26 AM

Please respond to
hestonmt@hotmail.com

To Steve Platt/R3/USEPA/US@EPA

cc

bcc

Subject Proposal to issue final UIC permits: PAS2D215 BWAR and PASD216BWAR for Bear Lake Properties, LLC

History:

📧 This message has been replied to and forwarded.

EPA Region III
Ground Water and Enforcement Branch
Office of Drinking Water and Source Water Protection
1650 Arch Street
Philadelphia, Pennsylvania 19103

Via Electronic Mail

Attn: Stephen Platt

Re: Public Comment on UIC Permit Nos.: PAS2D215BWAR and PAS2D216BWAR, Bear Lakes Properties, LLC

Dear EPA Regional Administrator:

I submit the following comments and incorporates by reference the comments submitted by the Pennsylvania Chapter of the Sierra Club, The Brokenstraw Watershed Council, and the Allegheny Defense Project on the proposed underground injection wells planned for Warren County, PA. Drilling injection wells for hazardous substances is a very bad idea in the region. The substances in waste-water from unconventional shale gas drilling (as well as from other conventional types of drilling) contain carcinogens, high concentrations of sodium, chloride, bromide, arsenic, barium, other heavy metals, and radionuclides (Radium 226).

Pennsylvania's geology and the legacy of the Industrial Revolution in PA have made injection wells in our state utterly high risk. We have geologic fissures and fissures created by explosions and hydraulic fracturing. Pennsylvania has "swiss cheese" geologic formations from abandoned, out of production, existing, and new oil and gas wells and hydraulic fracturing. Pennsylvania also has abandoned and existing coal mines, which allow migration of pollutants into the aquifers.

Our aquifers are in danger of being contaminated.

Therefore the proposed Bear Lakes Properties, LLC injection wells pose an unacceptable, eminent danger to drinking water supplies and cannot be permitted until a major regional survey of all out of production and abandoned wells in the region are located, GPS mapped, and properly plugged. That will require an enormous financial commitment from the EPA, PA DEP and permittee Bear Lakes Properties LLC, intensive research of historic documents, extensive field work, identification of mineral right ownership to require the owners to pay for the plugging of out of production, abandoned and historically lost wells prior to any permits being approved.

This EPA permitting scheme for injection wells in the oil and gas patch is a half-baked attempt permit a potential environmental disaster, which will

pollute drinking water aquifers - the public's resource - for clean, safe drinking water.

Because of the industrial legacy of drilling in the region proposed for the Bittering #1 and Bittering #4, it is inappropriate to use the area for injection wells. Further, there is a necessity to survey for abandoned oil and gas wells in the region. Due to the deterioration or lack of casings in abandoned wells, and the failure of the PA DEP to survey locate and properly plug these abandoned wells, there is a free interchange of gases, liquids, and minerals between geologic layers.

Bear Lakes Properties has not submitted a detailed examination of the geology of the site.

The monitoring wells are inadequate.

The applicant states that 3 monitoring wells are being proposed. One is Bittering 4, which is also being proposed as an injection well by the applicant. In essence, two monitoring wells are being proposed. There is no indication whether these wells are down gradient of Bittering 1 and Bittering 4. At least 3 monitoring wells are needed to establish groundwater gradient; this should be known prior to any disposal activities are initiated.

Bear Lakes Properties has not surveyed drinking water wells in New York State and the data used for local water wells is outdated.

Bear Lakes Properties' consultant reports on underground sources of drinking water covers only wells in Pennsylvania. No references were cited for underground sources of drinking water in adjacent New York State areas, within the one-mile radius of the well sites. In particular, the Bittering 4 documents do not show New York drinking water wells within $\frac{1}{4}$ mile of the well.

Bear Lakes Properties' well casing standards do not meet current Pennsylvania Department of Environmental Protection requirements.

Surface casing 50' below fresh water is inadequate to protect drinking water supplies.

Mechanical integrity tests must be conducted quarterly.

BLP has not demonstrated the financial resources to remedy major environmental contamination, should well failure occur.

Injection wells in other areas of the country have caused earthquakes and their use has been recently banned.

For all these reasons related to the protection of safe drinking water, EPA should not issue these permits.

Respectfully submitted,

Mary Heston
179 Leech Hill Road
Sabinsville, PA 16943



"Boria, William"
<boriaw@co.chautauqua.ny.us>


04/08/2011 04:29 PM

To Steve Platt/R3/USEPA/US@EPA

cc Frank Brock/R2/USEPA/US@EPA, "Edwards, Greg"
<EdwardsG@co.chautauqua.ny.us>, "Gould, Jay"
<fjgould@windstream.net>, "Himelein, David L."

bcc

Subject Columbus Township Injection Well Comments Attached

History:  This message has been replied to.

1 attachment



CCDOH Final Comments - Columbus PA Class II Injection Well.pdf

Steve, Please verify that you received these comments. Thanks, Bill

William T. Boria
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CHAUTAUQUA COUNTY DEPARTMENT OF HEALTH
Division of Environmental Health Services

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GREGORY J. EDWARDS
County Executive

CHRISTINE SCHUYLER
Public Health Director

MARK STOW
Director of Environmental Health

April 7, 2011

Mr. S. Stephen Platt
Ground Water & Enforcement Branch (3WP22)
U.S. EPA Region III
1650 Arch St
Philadelphia, PA 19103-2029

Re: Comments: Draft Permit #PAA2D16BWAR Class IID UIC Disposal Wells
Columbus Township, PA

Dear Mr. Platt:

Thank you for extending the comment period for the above referenced Class II underground injection control application to April 15, 2011. The Chautauqua County Health Department is interested in this injection well permit application because the proposed disposal wells are located on a parcel of property that borders Chautauqua County New York. Reportedly one well is located 75 ft from the NY-PA border and close to several private drinking water wells in New York State.

The Chautauqua County Health Department respectfully submits these comments for your consideration. This Department acknowledges the need for proper disposal of oil and gas wastewater; however safeguards must in place to protect nearby resident's health and safety before, during and after wastewater injection activities. To accomplish this, proper oversight by U.S. EPA is essential and the operator/developer must be held accountable to prevent contamination of the environment.

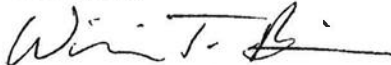
1. Please require the developer to survey all drinking water wells within a one mile radius of the proposed injection wells. This survey should include not only well locations but also all available information that can be collected by interviewing each well owner. At a minimum request the following: wellhead above ground or buried, well depth, water level, date drilled, driller's name, typical water use (indoor uses, outdoor uses, livestock, irrigation, etc.), treatment, water quality problems, water shortages, etc.
2. The Health Department, along with residents living near the proposed injection wells, are especially concerned that private water wells may be impacted by wastewater injection of production water or Marcellus Shale flowback water. To alleviate these concerns, please require the developer to test all private wells within a one mile radius of Bittinger well #1 and 4 for the parameters listed on the attachment. It is imperative that this be done before any work commences at the site. To account for natural seasonal variations in ground water quality, at least two pre-disposal samples should be collected approximately six months apart. Once waste disposal is initiated, follow-up samples should be collected yearly for the duration of the waste disposal operation from each water well.

3. The laboratory analyses included in the application are from production fluid only and are very limited in scope. Please require the developer to disclose a complete wastewater quality scan of typical production brine and flowback water that may be accepted for disposal. This scan should include all parameters listed on the attachment and be representative of production and flowback water from Marcellus Shale, the Medina group and other natural gas and oil formations anticipated to be accepted for disposal.
4. Please require the developer to monitor wastewater quality of injection fluid for all parameters listed on the attachment initially and then on an annual basis. As described in the Draft Permit, this must be done for different geologic formations and also when waste is accepted from different geographic regions.
5. Please require the developer to maintain accurate chain of custodies for all wastewater disposed at the site to include at a minimum: wastewater source (state, township, well ID number), wastewater type (production water or flowback water), geologic formation (Marcellus, Medina, ect.) and geographic area.
6. Please require the developer to link each load of wastewater to a specific water quality analysis.
7. Please require the developer to submit copies of each annual report to the Towns of Clymer NY, Harmony NY and Columbus PA.
8. Please require the developer to disclose the chemical analyses and provide material safety data sheets for all chemicals to be introduced into the disposal wells including Corrosion Inhibitor Sticks. This information should be made available to CCDOH and Pennsylvania health agencies.
9. Please require the developer to perform a mechanical integrity test of each injection well annually.
10. This region has undergone oil and gas well drilling since the early part of the twentieth century. There are likely a number of orphaned gas and oil wells in the vicinity of the proposed injection well site. Please require the developer to complete a detailed survey to identify the location of abandoned wells within one quarter mile of Bittering well #1 and 4.
11. As discussed in the Underground Sources of Drinking Water section of the application, salinity of groundwater increases with depth past 150 ft below ground surface. Please require the developer to modify the Plugging and Abandonment Plan for both injection wells to cement the surface casing to within 150 ft of the ground surface instead of 450 ft. This will eliminate the possibility of salt water contaminating the freshwater aquifer when the rusts out. Also the annulus between the surface and production casing should be cemented if not included in plan.
12. Marcellus Shale and other black shales in the region are known to contain radioactive elements. Residual radiation can build up on surfaces/linings of pumps, holding tanks, pipes, etc. over time when used for transferring Marcellus shale flowback water. Please require the developer to prepare a health and safety plan to protect workers and others who may come in contact with materials and equipment used to transfer wastewater at the site. Also require the developer to prepare a final disposition plan for materials and equipment used at the site to eliminate the possibility of accidental exposure of workers to radiation once the equipment and appurtenances are removed from the site.

13. Please require the developer to prepare a storm water management plan for all land disturbances related site preparation. Unchecked erosion can blanket important groundwater recharge areas with sediment, leading to a decrease in recharge, which can impact reduce groundwater availability to nearby drinking water wells.

Thank you for providing an opportunity to comment on this very important matter. I look forward to your response to these comments.

Sincerely,



William T. Boria
Water Resource Specialist

Enclosure: List of Testing Parameters

PC: Frank Brock, USEPA Region II UIC
Gregory Edwards, County Executive
Jay Gould, County Legislator
Dave Himelein, County Legislator
Daniel Caflisch, Town of Clymer
Todd Eddy, Town of Harmony

List of Testing Parameters for Injection Well Comments

CCDOH 4/7/11

Total Dissolved Solids
Total Suspended Solids
Total Organic Carbon
Methane
Ethane
Hydrogen Sulfide
Hardness
pH
Alkalinity
Surfactants
Oil & Grease
Volatile Organic Chemicals including BTEX
Gross Alpha
Gross Beta
Radium
Chloride
Bromide
Barium
Strontium
Iron
Manganese
Sodium
Arsenic
Coliform Bacteria
Lead
Nitrate
Sulfate