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ENVIR. APPEALS BOARD

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

Dear Environmental Appeals Board,

This is a petition for review (appeal) of the EPA permit for Windfall Oil & Gas for a disposal injection well in Brady Township. This petition for review will provide sufficient evidence that the permit be denied for this proposed location. It is our opinion, the permit decision and the permit's conditions appealed are objectionable because of: 1) factual error and 2) the EAB should review a policy consideration. For ease of filing this appeal we will mostly cite the binder submitted by Darlene Marshall on behalf of all concerned citizens or information presented at the public hearing.

This appeal will show many concerns for two regulations that will give a 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 new Government Accountability Office report findings from June 2014 on the "EPA Program to Protect Underground Sources from Injection of Fluids Associated With Oil and Gas Production Needs Improvement leading to pollution of underground sources of drinking water (USDWs)" demonstrates our concerns. This residential area depends on private water wells and is unable to afford or accept any risk.

First, we want to note that the 1/4 mile area of review may be different than drawn on all the permit maps. All permit map calculations are based on +/- noted. These +/- affects the location of each gas well on the maps.

At the public hearing, Rick Atkinson, provided a zone of endangering influence calculation that demonstrated at the December public hearing that assumed non-transmissive faults would change the zone of endangering influence making it larger so that the area of review should be extended. The Carlson gas well should be considered as it is in the same formation as the injection zone and is a source of concern for neighbors as mentioned in testimony because the casing is suspect due to fumes it emits. (See binder from Darlene Marshall comment #8 & #13)

It is also known from the permit application that six gas wells are in the same formation as the injection zone, which residents believe could be conduits for disposal fluids in the future to reach private water wells due to prior problems cited by residents. These gas wells are on the edge of the 1/4 mile area of review and might actually be inside the review area. This was an incorrect statement in the EPA Response Summary #12 Page 13 that these gas wells are over half a mile or a mile away. Plus information was provided that the well logs that are plugged aren't sufficient to believe they are plugged correctly. (See binder from Darlene Marshall comment #7, #8 & #13)

We request this permit be denied because of the proximity of so many other Oriskany wells (6 to be exact, so close or inside the 1/4 mile) along with a shallow gas well close to the proposed site that was also fractured. These wells would have been fractured and these fractures would have went into the 1/4 mile area of review. (See binder from Darlene Marshall #57). In addition, coal mines are throughout the review area and technically they also had fracturing done. This means that this permit

would violate the 40 C.F.R. §146.22 regulations previously cited. Response Summary page 13 #12 concerning fractures, no one knows what will happen or what is below our ground here. This data is insufficient to protect residents from prior fracturing at various depths due to drilling in prior years. Residents request the permit be denied.

Plugged wells not producing is an inaccurate statement because Atkinson's property well was never plugged and has been used till more recently and might be inside the 1/4 mile area of review if any calculations are inaccurate based on +/- noted on all maps. This old gas well has affected residents water wells over the years when any work is done on it.

Faults exist in the area. No information is provided to explain the depths of the faults that might be or might not be transmissive (no way to prove if the faults are non-transmissive). No fault is shown that would block the fluid from migrating towards the Carlson well or coal mines; the two faults on the permit would actually block the fluid towards these areas. The information on a fault block is inaccurate (#8 page 10).

Response Summary page 12 #11 shows confining layer thickness varied & applicant stated 50 feet of thickness yet nothing in the permit application shows this figure as accurate, so what else is inaccurate. It looks to residents that this confining layer varies in thickness from 11 feet to 18 feet in thickness. This is a huge concern to peace of mind & knowledge that fluids would be confined, especially with fracturing of old gas wells that may have actually fractured the confining layers or all surrounding layers. Residents request the permit be denied on this basis.

Response Summary page 10 #8 proves interesting since we are unable to compare other areas with our geology for seismic activities yet we can compare our area for the permit to all the other injection wells that seem to have never contaminated water wells. Yet residents presented that Pennsylvania has a very limited number of injection wells for disposal, which the number varies depending on circumstances like the Irvin well violation & other injection wells being shut down. Yet we don't present evidence of more than 10 injection wells in Pennsylvania before 12/2012 plus fluids came to the surface or affected USDWs in cases residents cited. We cite these because we believe this could happen if this disposal well is permitted here due to so many known gas wells penetrating the zone proposed for the disposal of waste.

Response Summary page 12 #10 even though Clearfield has two other injection wells doesn't mean this site should be permitted since all these sites are different and a mile away would be very different than this site. Residents presented data on fractures, faults and concerns with old deep gas wells in the same formation near or inside the 1/4 mile & we continue to request review of these other deep gas wells. Residents request the permit be denied based on these facts.

Response Summary page 15 #13 the zone of endangering influence even being 400 feet has potential to affect our area if anything happens or a fracture exists in the confining layer above the injection well, especially with a shallower gas well right above the proposed site that had fracturing done. Residents request the permit be denied.

Many reviews of the maps on file at the library show no one mile radius topographic map. The EPA permit requested a one mile topographic map from the boundary lines. The library had the maps noted and none of them show a one mile boundary.

We request monitoring of other gas wells to protect citizens based on all the comments submitted to protect resident's water supplies. We requested a comprehensive monitoring plan if this permit is not denied. A gas well exists that is not plugged and could be used.

This issue has been followed by our entire community through the news media coverage for over three years now and our community is opposed to this disposal injection well. The December 2012 public hearing had full newspaper coverage and explained in-depth most of the concerns presented

by residents. These residents worked hard to review the permit application and research the local facts to present a valid case at the public hearing as it related to the underground sources of drinking water (USDWs). Almost 300 people attended the public hearing demonstrating the concern.

The recharging zone for this area is located right where the disposal injection well is proposed. Residents cited many concerns & request further study that will deny the permit. Residents need assurances of future protection like insurance & a $1 million+ bond. We feel this disposal injection well, if not denied, may fail due to concerns we see from industry wise individuals, so we ask the EAB to give us more protection & ensure water will be provided. Spending $1 million+ to put this disposal injection well into operation means that a $1 million+ bond is insignificant to the operator & it should stay in place until the plugging has been completed.

Sincerely,

Susan G. Turner