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March 10, 2013

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

I, Diane Bernardo, submit this letter of support asking that the permit for a deep injection well in Brady Township be denied for this proposed location. I have already participated numerous times in your public comment periods and at your public hearing.

This is a petition for review of this UIC permit decision & is a request to "deny this permit" based on the following evidence. This appeal will demonstrate many concerns for two regulations that will 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 and economic viability of the area.

I previously submitted geological and hydrological surveys commissioned by DuBois City Council in 1958 and 2009 showing a fault line from Luthersburg area past Rockton/Home Camp area. Our City reservoir and newly dug water wells reside in this vicinity. Our City has been working to provide backup water resources to plan for future area growth needs. This is a costly endeavor to drill additional water wells to supplement our reservoir. These studies identify at least 47 abandoned gas wells (not City owned) with old deteriorated casings in these basins. Undo pressure from injection activity could push injection fluids along the fault lines into abandoned gas wells with the potential to contaminate underground sources of drinking water.

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 has 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 a poor one for such a well.

Brady Township is strategically situated near two watersheds called the Susquehanna and Ohio River Basins. The injection well is perilously close to the DuBois Reservoir, the main water source for the City of DuBois, Sandy Township, and the supply for Brady Township and the Borough of Troutville.

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 we had a fault block 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, I 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. Taking any risk with so many old deep gas wells in the same formation, so near the injection zone is a risk not worth taking especially with so many inaccurate details, unknowns, private water supplies, and coal mines under the entire area. Based on just these facts presented the permit should be denied.

Signature,

Diane Bernardo
DuBois City Councilwoman
2008 to present date