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ENVIR. APPEALS BOARD

RE: Windfall Oil & Gas, Inc.
PERMIT #: PAS2D020BCLE
PERMITTED FACILITY: Class II-D injection well, Zelman #1

November 12, 2014

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,

My specific concerns deal with contamination of the underground sources of water and these were expressed to the EPA during their public comment period. My water source comes from the City of DuBois. The dumping of waste products that are toxic near our City is unacceptable. It concerns me because this wastewater has the potential to go into deep gas wells and open coal mine shafts in the surrounding DuBois area. It has the potential to move into our sources of underground drinking water.

Much of my life I lived in the Brady Township area in Luthersburg. My family and friends live in the proposed area of the disposal injection well and I know the importance of having water on a daily basis. It is also important to know your water is safe to drink. Pumping waste near this area with faults and prior fractures in the ground would make anyone question if their future water would be safe to drink. My grandchildren and their children should have the right to access safe water.

The source of my water will be less than two and a half miles from this proposed site. Research should be done on this residential area and this permit should be denied.

This is my petition for review (appeal) of the EPA permit for Windfall Oil & Gas for a disposal injection well in Brady Township. This petition for review provides sufficient evidence that the permit be denied for this proposed location. It is my 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. This appeal shows 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.

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The ¼ mile area of review may be different than drawn on all the permit maps. All permit map calculations are based on accuracy of 10 feet +/- as noted on a map in the permit. This inaccuracy of 10 feet +/- affects the location of each gas well on the maps.

At the public hearing, testimony was provided on the zone of endangering influence calculations and it was demonstrated that faults would change the zone of endangering influence so that the area of review should be extended to a ½ mile radius. A couple gas wells should be considered as they are in the same formation as the injection zone and they already have been a source of concern for neighbors as mentioned in testimony because the casings or plugging have been suspect due to fumes being emitted or due to water well issues from gas well work throughout the years.

It is also known from the permit application that gas wells are in the same formation as the injection zone, which residents believe the fractures and gas wells would 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 ¼ 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 by residents that the well logs that are plugged aren't sufficient to believe they are plugged correctly.

We request this permit be denied because of the proximity of so many other Oriskany wells, along with shallow gas wells close to the proposed site that have also been fractured. These wells would have been fractured and these fractures would have went into the ¼ mile area of review. The fractures would have also been in the injection zone formation. 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.

Response Summary page 12 #11 shows confining layer thickness varied & the permit 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 presented data on fractures, faults and concerns with old deep gas wells in the same formation near or inside the ¼ mile & we continue to request review of these other deep gas wells.

Response Summary page 15 #13 the zone of endangering influence 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.

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Many reviews of the maps on file at the library show no one mile radius topographic map from the boundary lines. 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.

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, so we ask the EAB to give us more protection & ensure water will be provided.

Sincerely,

Vivan Z. Marshall

Vivian Marshall