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U.S. E.P.A.

2014 NOV 25 PM 12: 10

RE: Petition to Review (Appeal) Permit for Windfall Oil & Gas, Inc.
PERMIT #: PAS2D020BCLE
PERMITTED FACILITY: Class II-D injection well, Zelman #1

ENVIR. APPEALS BOARD

November 6, 2014

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

Dear Environmental Appeals Board,

Please accept this letter as 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. This letter is in compliance with your word limitations.

Please note that I provided comment and attended the public hearing before I married. My previous comments will be listed under Leslie Barr.

This EAB appeal request is to "deny this permit" based on the following two regulations since sufficient evidence is available that the confining zone may be fractured and unable to protect residents' water supplies. 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 (USDW) so as to create a significant risk to the health of persons.

As a resident of DuBois, I have a huge concern with the amount of faults running through the area. I truly believe that the effect of the permit on Page 2 that we have different geology and that the confining layers have faults above and below the ground, and that this Well can affect our drinking water.

Page 3 of the response summary number 5 states there is a one mile map of topography. We found this map, and it is not a one mile map.

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Number 8 on page 6 says the proposed site is close to geographical faults. We believe from the information in the permit that there are 9 faults in the 1/4 mile area of review. Your regulations say that the confining zone is to be free of faults.

On page 6 you talk about seismicity and we know that in 1938 we had a seismic event, and we know that there are 3 sites in our county monitoring seismic activity. Because we are on the continental divide and in the Appalachian Mountain chain you should take this into grave consideration.

Page 12 number 9, due to the faults and fractures and any future seismic event, we have major potential to have our USDWs to have contamination.

Fluid migration is a large concern. There are six acres of coal mines located in the 1/4 mile radius of review and any small fracture or leak has the potential to seep into these mines and carry waste under the City of DuBois. These mines are full of water and are spread out all over our area, so these deep mines would transmit toxic fluid into water sources. These mines go under my house in downtown DuBois, extend out to the DuBois mall and honey comb into the Sykesville and Reynoldsville areas, too. These coal mines actually have water coming out by the DuBois Mall into the Sandy Lick Creek.

The water in the coal mines is currently able to be cleaned up and used if needed. If toxic waste seeps into the coal mines, the mine water will not be treatable for consumption. Additionally, other faults where the waste is being disposed could cause this waste to push up and go directly towards the coal mines and the old deep gas wells following a path of least resistance.

On Page 13 of the permit states the financial responsibility is for an amount of \$30,000. In Darlene Marshall's binder she has information on the inadequacy of plugging costs for old abandoned wells that have been found around our area. Local newspapers have been explaining about the Pennsylvania abandoned wells and the cost has been cited extremely higher than \$100,000. An engineering geologist in California was asked to provide an estimate of what it would cost to abandon a 7,000 ft well. He asked a consultant that used to run oil field production for a major oil company. His estimate for a well in California would be \$150,000. In Pennsylvania, he estimated \$100,000 - \$120,000 due to three things. (1) Less labor cost in Pennsylvania; (2) less complex geology in Pennsylvania, and (3) stricter well destruction procedures in California. He said that these are ball park numbers, and actual costs can vary.

On Page 7 of the permit it talks about monitoring requirements, but you do not enumerate how the monitoring will be done in this area with all of the old gas wells in the area. In the binder

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provided by Darlene Marshall, she questions fractures that would have the potential to fracture the confining layer making our drinking water sources susceptible to contamination.

Page 12 number 10, we realize there are two injection wells in Clearfield County. This does not mean that those sites are similar to ours. They are in a different non-residential area. The Irvin Well has been cited for violations, which include over-pressurizing. Please explain how the EPA plans to protect all the water wells in the area from contamination. For example, the Irvin Well (Clearfield County) was over pressurized and fined. How will residents be notified of a violation? How was the waste cleaned up? The Irvin well had prior violations in 1987, 1997 & 2010. This last violation took a significant amount of time to be fined. It was in violation for three months and those living in a residential neighborhood can't wait three months for violations to be found, corrected and fined (two years later). This is not acceptable to water well owners in our area. Any violation of the Zelman # 1 Injection Well would endanger homes and lives and is an unacceptable risk.

Page 12 number 11 mentions the confining layer, which residents find may be less than 11 feet thick, and the confining layers may have fractures from prior gas drilling.

Page 13 number 12 Existing fractures exist in the 1/4 mile and no one knows what will happen underneath the ground because no one knows where the fractures go or what they are through. Your own regulations state that if there are fractures or faults in the confining zone the well should not be permitted.

Page 14 number 13 Your own information states that abandoned or improperly plugged wells propose a risk to our USDWs. We have provided information that in the 1/4 mile wells exist and that our old gas wells are in the same formation as the injection well.

Page 15 number 13 Comment provided shows the zone for endangering influence may be different than proposed due to the geology of the area and we question your decision to not review this more thoroughly.

Page 17 number 14 Comments were provided that residents believe the injection fluid will work its way back up to the USDWs and the pressure does not matter if there is a pathway through a confining layer.

Page 21 number 20 No matter if new technology has been developed on construction of the wells, when the fluid hits the Oriskany it has the potential to migrate out for miles, negating the

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importance of new technology because the fluid can come up through old abandoned gas wells.

It is not acceptable for the EPA to make this company to self-report because of the importance of our USDWs. Residents presented hard facts on injection well violations, serious concerns & lack of oversight nationwide. 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. Residents requested the permit be denied.

These are all concerns that affect more than just the residents that live in the 1/4 mile review. These are concerns that affect the drinking water and wellbeing of all residents in the city of DuBois, and the neighboring towns as our water resources are only two miles away with known abandoned gas wells in our area. Please think about all of us when you review the permit for the Windfall Oil & Gas for a disposal injection well in Brady Township.

Sincerely,

A handwritten signature in black ink that reads "Leslie Swope". The signature is written in a cursive style with a large, stylized "L" and "S".

Leslie Swope