

Marianne Atkinson
221 Deer Lane
DuBois, PA 15801
814-583-7926
Marianne5@windstream.net

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

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

June 23, 2015

Dear Clerk Durr,

I am submitting this MOTION FOR RECONSIDERATION OF EAB ORDER DENYING PETITIONS FOR REVIEW of UIC Permit # PAS2D020BCLE for Windfall Oil & Gas to construct and operate the Zelman #1 Class II Disposal Injection well.

This MOTION FOR RECONSIDERATION OF EAB ORDER DENYING PETITIONS FOR REVIEW of UIC Permit # PAS2D020BCLE complies with word limitations. I did participate in the public hearing and the two public comment periods regarding this matter.

Sincerely,

/s/ Marianne Atkinson
Marianne Atkinson

Home owner with a private water well 892 feet away from proposed Windfall DIW.

Table of Contents and Authorities

Federal Regulations:

None

State Laws and Regulations:

None

Exhibits:

None

End - Certificate of Service

MARIANNE ATKINSON MOTION FOR RECONSIDERATION OF EAB ORDER DENYING PETITIONS FOR REVIEW

From page 1 of the EAB Order Denying Petitions for Review:

Held: The Board denies the petitions for review of the Permit. Petitioners have not met their burden of demonstrating that review is warranted on any of the grounds presented. For each of the issues Petitioners raise, the Region explained its permitting decisions and the underlying rationale in the Response to Comments document. Petitioners failed to meet their burden to substantively confront the Region's responses or adequately explain why the Region's determinations were clearly erroneous, an abuse of discretion, or otherwise warrant Board review.

The above statement is incorrect for my petition for review titled "**Injection Fluid Additives**". I did demonstrate that review is warranted for the Oct. 31, 2014 Final Windfall UIC Permit.

The Oct. 31, 2014 Final Permit, page 12, B. Operating requirements states that:

"The permittee shall not inject any hazardous substances, as defined by 40 CFR 216, or any other fluid, other than the fluids produced solely in association with oil and gas production operations."

The above can be found in the Administrative Record, D draft permit, and BB 2014-Oct final permit.

If the operator is to abide strictly by the wording of the permit, it can be argued that nothing at all is permitted to be added to the wastewater before it is injected. This is simple and straightforward.

Windfall, in their permit application, states that they intend to add additional fluids to treat the injected fluids. These additional fluids are FE Ox Clear and Alpha 2278W. Windfall says that one is an oxygen scavenging agent and the other is for corrosion control. Windfall will also add Alpha 3207, which is a corrosion inhibitor, after the waste fluids are filtered and before injecting. (Administrative Record, B-5, application 5, page 7, Attachment K)

In my petition for review, I elaborated on my original comment (Administrative Record, G-3 2012 written comments C, page 52), by adding the need for the Region to regulate the specific corrosion inhibitor and biocide additives injected underground into the disposal well in combination with the waste fluids produced in association with oil and gas production operations.

The Region has, by its responses to comments and petitions for review, made tacit admissions that the disposal injection well operator is given freedom to perform activities that could potentially endanger USDWs, with no written regulations involved which require permission of and notification to the Region.

At some point in time, Windfall could decide to use different additives to the injection fluids that would be more hazardous than those declared in their UIC permit application.

Marianne Atkinson ~ 221 Deer Lane, DuBois, PA 15801 marianne5@windstream.net Windfall/Zelman #1 DIW ~ Permit # PAS2D020BCL

Many private water wells are near the proposed disposal injection well, including 17 private water sources within the Area of Review. The users of these water supplies deserve to know specifically what additives are being used to treat the waste fluids. If anyone believes that their drinking water supply has become contaminated from the disposal injection well, they need to know which contaminants to test their water for.

The Region fails to specify in the Permit what additives are permitted. I interpret the Region's response to my petition to mean that the disposal injection well operator is not required to adhere strictly to the wording of the Permit requirements. If so, either the operator will be violating the Permit, or the regulations and the Permit are inadequate for the successful and safe operation of a Class II disposal injection well.

The Permit should be denied until the EPA changes the regulations and the UIC Permit so that the EPA can legally control the additives to the waste fluids that the disposal injection well operator is permitted to use.

Certificate of Service

I, the undersigned, certify that the foregoing **MOTION FOR RECONSIDERATION OF EAB ORDER DENYING PETITIONS FOR REVIEW** of UIC Permit No. PAS2D020BCLE was filed electronically by email with the Environmental Appeals Board, the US EPA Region III, and Windfall Oil & Gas:

EAB Clerk - Clerk_EAB@epamail.epa.gov

Karen Johnson
Chief, Ground Water & Enforcement Branch
US EPA Region III
Johnson.KarenD@epa.gov

Nina Rivera Senior Assistant Regional Counsel
Office of Regional Counsel (3RC20)
US EPA Region III
Rivera.Nina@epa.gov

Windfall Oil & Gas - mhoov16@verizon.net

The foregoing **MOTION FOR RECONSIDERATION OF EAB ORDER DENYING PETITIONS FOR REVIEW** of UIC Permit No. PAS2D020BCLE was electronically filed by email with the following:

A Torrell <mandyrwells@yahoo.com>; B Marsh <barbaramarsh.marsh@outlook.com>; B Peoples <peeps29@verizon.net>; Brady LaBorde <patbrady2@verizon.net>; Brady Township Supervisors <bradytwp@hotmail.com>; C Thompson <cabailor@yahoo.com>; City of DuBois <bobbie.shaffer@duboispa.gov>; Clearfield Co <cccomm@clearfieldco.org>; D & C Cryster <dancinj@comcast.net>; D & T Marsh <tdmarsh@windstream.net>; D Boring <d_boring@yahoo.com>; D Kovall <dmkovall@yahoo.org>; D Stolfer <deborahstolfer@gmail.com>; D Work <work309@comcast.net>; Diane Bernardo <honey0510@comcast.net>; E Zimmerman <ezimmerman@clearfield.org>; Harriet Moyer <hjmjm@windstream.net>; J Genevro <JohnBonnie@outlook.com>; J Greathouse <jmg_1197@hotmail.com>; J Kaufman <jlkaufman@drmc.org>; Jack and Judy Chewing <jlchewing@comcast.net>; Joan Spafford <jdspafford@comcast.net>; John Hook <johnhook411@msn.com>; K Armagost <kdfinalle@verizon.net>; K Bojalad <kerrilynn9172@yahoo.com>; L Martinez <lesha3@windstream.net>; Lesli Swope <leslieannbarr@yahoo.com>; Loretta Slattery <lorslat2@yahoo.com>; Lorraine Shaddock <medoado@verizon.net>; M Atkinson <marianne5@windstream.net>; M Schwabenbauer <mrschwab2@comcast.net>; Monica Lockhart <qchamp1969@hotmail.com>; Nora Jenney <thejenneys@windstream.net>; P Erickson <erickson1@windstream.net>; Pauline & Robert Wells <pewdubois@yahoo.com>; R & E Stewart <maliya54@hotmail.com>; R Reitz <rockietop@verizon.net>; Ralph Hamby <Rhambyrn@yahoo.com>; Randall Baird <fairway08@windstream.net>; Rep. M Gabler <mgabler@pahousegop.com>; Ronald Greathouse <rhg_9711@hotmail.com>; Rosemay Frizzell <rfrizzell@windstream.net>; S Zimmerman <szimmerman@clearfield.org>; Sandy Township Supervisors <info@sandytownship.org>; Stephen Way <steveway@verizon.net>; T Bodt <mittdob@hotmail.com>; Ted & Rona Cryster <ronated@comcast.net>; Terry & Carole Lawson (lawson_carole@yahoo.com); Tom & Sue Nelen <tsdbn@verizon.net>; Travis Smith <jsmith315@windstream.net>; Valerie Powers <brickie3@comcast.net>; W Fisher <wilsonf@hessfishereng.com>; W Lockwood <wdlockwood@verizon.net>

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