

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

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Clerk of the Board
U.S. Environmental Protection Agency
Environmental Appeals Board
1201 Constitution Avenue, NW
WJC East, Room 3334
Washington, DC 20004
202-233-0122

I will comply with word limitations and I did participate in public hearings regarding this matter.

This is a petition for review of this UIC permit decision & is a request to initiate an appeal to "deny this permit" based on the following evidence. Many commenters presented information and the EPA has stated over 2,600 comments were received and around 300 residents attended the meeting. Local residents found permit details to be inaccurate as presented to residents and local governing bodies in the area, which five governing bodies were represented at the meeting (Clearfield County Commissioners, Brady Township, Sandy Township, City of DuBois, DuBois School Board along with local State & Federal Representatives). We currently haven't received a transcript of the comments although we would appreciate a copy, so we are writing this from comments we provided, heard at the hearing or know residents submitted. For ease of filing this appeal we will mostly cite the binder submitted by Darlene Marshall on behalf of all concerned citizens.

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 of persons.

The EPA Response Summary makes an incorrect statement in #12 last line (page

11), "In addition, there are no drinking water wells located within the one-quarter mile area of review." The binder on page 2 (#2) submitted by Darlene Marshall stated, "many additional residents have private water wells just outside the area of review near old deep gas wells (in the same formation as injection zone)" a map was provided showing 16+ water sources. This is in addition to the 17 water sources identified in the 1/4 mile radius of review. It was stated that area residents depend on private water sources. Additionally, a list of all water well sources in a one mile area were provided in the binder to demonstrate the need for protecting our Underground Sources of Drinking Water (USDWs).

The EPA Response Summary stated in #12 a one-quarter mile area of review was used for the permit. The binder on page 2 (#2) submitted by Darlene Marshall stated a request, "to extend area of review outside the 1/4 mile." At the public hearing, Rick Atkinson, provided a zone of endangering influence calculation that demonstrated at the December public hearing that assumed nontransmissive faults would change the zone of endangering influence making it larger so that the area of review should be extended. Both commenters stated the Carlson gas well should be considered as it is in the same formation as the injection zone and the Carlson gas well 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 and was stated by commenters that five gas wells are in the same formation as the injection zone. These gas wells are all right outside the 1/4 mile review many just feet away. This was another incorrect statement in the EPA Response Summary (#11) on 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)

Residents request this permit be denied on these inaccuracies because of the proximity of so many other Oriskany wells (5 to be exact, so close to 1/4 mile). 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). This means that this permit would violate the following regulations : 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. So many geological inaccuracies found by commenters & one mile topographic map was never provided to us for review. We request a comprehensive monitoring plan.

Based on these facts presented the permit should be denied.

Sincerely,

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