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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 6  
Dallas, Texas 75270

JUN 9 PM 3:59  
REGIONAL HEARING CLERK  
EPA REGION VI

In the Matter of

Raptor Resources, LLC.

Respondent.

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Docket No. SDWA-06-2021-1101

**PROPOSED ADMINISTRATIVE ORDER**

**STATUTORY AUTHORITY**

The following findings are made, and Order issued, under the authority vested in the Administrator of the U.S. Environmental Protection Agency (EPA) by Section 1423(c) of the Safe Drinking Water Act (the Act), 42 U.S.C. § 300h-2(c). The authority to issue this Order has been delegated by the Administrator to the Regional Administrator of EPA Region 6 who further delegated such authority to the Director of the Enforcement and Compliance Assurance Division. The EPA has primary enforcement responsibility for underground injection within the meaning of Section 1422(c) of the Act, 42 U.S.C. § 300h-1(c), to ensure that owners or operators of Class II injection wells within Osage County, Oklahoma, comply with the requirements of the Act.

**FINDINGS**

1. Raptor Resources, LLC (Respondent) is a company doing business in the State of Oklahoma and, therefore, is a “person,” within the meaning of Section 1401(12) of the Act, 42 U.S.C. § 300f(12).

2. At all times relevant to the violations alleged herein, Respondent owned or operated an “injection well” which is a “Class II well” as those terms are defined at 40 C.F.R § 147.2902. The injection well is located in the Northwest Quarter of Section 01, Township 27 North, Range

07 East, Osage County, Oklahoma, designated as Well No. 9 and EPA Inventory Number OS6474000 (the well).

3. Respondent is subject to underground injection control (UIC) program requirements set forth at 40 C.F.R. Part 147, Subpart GGG, which are authorized under Section 1421 of the Act, 42 U.S.C. § 300h.

4. Regulations at 40 C.F.R. § 147.2903(a) require that any underground injection is prohibited except as authorized by rule or authorized by a permit issued under the UIC program. The construction or operation of any well required to have a permit is prohibited until the permit has been issued. The term “permit” is defined at 40 C.F.R. § 147.2902.

5. Regulations at 40 C.F.R. § 147.2916 require the owner or operator of a new Class II injection well, or any other Class II well required to have a permit in the Osage Mineral Reserve, to comply with the requirements of 40 C.F.R. §§ 147.2903, 147.2907, and 147.2918 through 147.2928.

6. On May 17, 2019, Raptor Resources, LLC purchased the well from Jireh Resources, LLC.

7. On October 17, 2019, EPA issued UIC permit number 06S1262P6474 (the permit) for the well.

8. On November 15, 2019, the permit became effective.

9. On April 16, 2021, EPA issued a permit modification with an effective date of January 10, 2020, to the Respondent, thereby transferring the permit to the Respondent.

10. Regulations at 40 C.F.R. § 147.2925(a) require the permittee to comply with all permit conditions, except as authorized by an emergency permit (described in 40 C.F.R. § 147.2906). Noncompliance is grounds for permit modification, permit termination or enforcement action.

11. The permit contains the following permit conditions:

- a. Pursuant to permit condition I.A.2, the well shall be equipped with appropriate fittings so the injection pressure and annulus pressure may be measured by an EPA representative. This condition requires the well to be equipped with a device in such a manner to continuously monitor and record the injection pressure. A copy of the continuous pressure monitoring data shall be submitted to EPA on a monthly basis on the 15<sup>th</sup> day of the month following any given production month.
- b. Pursuant to permit condition I.B.2, the injection pump is only to be used for the first 20 minutes of injection with the injection pressure not exceeding 50 pounds per square inch in gauge (psig). After the first 20 minutes, the well is to inject on gravity feed without the injection pump.
- c. Pursuant to permit conditions I.C.5 and II.K., all reports and data submitted shall be signed and certified in accordance with 40 C.F.R. § 147.2925(j).
- d. Pursuant to permit conditions I.D. and II.J.1, for quality assurance of sampling and monitoring data, the operator shall conduct all environmental monitoring and sampling under the approved monitoring plan, and by staff trained to use the sampling and monitoring equipment and methods, maintain and calibrate equipment properly, and keep a record of training, maintenance and calibration including the date of such action. The operator shall monitor the injection pressure (psi) continuously using a device installed in accordance to condition I.A.2 of the permit.
- e. Pursuant to permit condition II.J.2, the permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings of continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the application for the

permit, for a period of at least three (3) years from the date of the sample, measurement, report or application.

- f. Pursuant to permit conditions I.D. and II.L.4, the permittee is required to submit on a monthly basis on the 15<sup>th</sup> day of the month following collection of the data: reports of the quality assurance and equipment calibration performed for the month; and a copy of the month's continuous pressure monitoring chart.

12. On January 16, 2020, the well was inspected by an EPA inspector. The inspector made the following observations:

- a. The pressure line leading to the continuous monitoring chart was located above the cut-off valve which is a violation of permit condition I.A.2.
- b. The well was actively injecting with the use of the injection pump which was running for more than 20 minutes which is a violation of permit condition I.B.2.
- c. No proper fittings were installed on the well's annulus to allow for the inspector to attach a gauge to observe the pressure on the annulus which is a violation of permit condition I.A.2.

13. On January 22, 2020, the well was inspected by an EPA inspector. The inspector made the following observations:

- a. The pressure line leading to the continuous monitoring chart was located above the cut-off valve which is a violation of permit condition I.A.2.
- b. The well was actively injecting with the use of the injection pump which was running for more than 20 minutes which is a violation of permit condition I.B.2.

- c. No proper fittings were installed on the well's annulus to allow for the inspector to attach a gauge to observe the pressure on the annulus which is a violation of permit condition I.A.2.

14. On January 30, 2020, the well was inspected by an EPA inspector. The inspector made the following observations:

- a. The pressure line leading to the continuous monitoring chart was located above the cut-off valve which is a violation of permit condition I.A.2.
- b. No proper fittings were installed on the well's annulus to allow for the inspector to attach a gauge to observe the pressure on the annulus which is a violation of permit condition I.A.2.

15. On February 12, 2020, the well was inspected by an EPA inspector. The inspector made the following observations:

- a. The pressure line leading to the continuous monitoring chart was located above the cut-off valve which is a violation of permit condition I.A.2.
- b. No proper fittings were installed on the well's annulus to allow for the inspector to attach a gauge to observe the pressure on the annulus which is a violation of permit condition I.A.2.

16. During a review of records for the permit conducted by representatives of EPA on February 20, 2020 and April 12, 2021, the following violations were identified:

- a. The monthly continuous pressure monitoring charts for the months of January 2020, February 2020, March 2020, April 2020, July 2020, September 2020, and October 2020 were not certified which is a violation of permit conditions I.C.5 and II.K.

- b. The monthly continuous pressure monitoring charts for the months of May 2020, June 2020, August 2020, and November 2020 through February 2021 were not submitted which is a violation of permit conditions I.D. and II.L.4.
- c. Records of quality assurance and/or calibration of equipment were not submitted for the months of January 2020 through February 2021 which is a violation of permit conditions I.D., II.J.1, and II.L.4.

17. On March 19, 2021, EPA emailed a Notice of Potential Violation and Opportunity to Confer (NOPVOC) to Respondent. The NOPVOC informed Respondent of the potential violations of the Act and the UIC program and that EPA can pursue enforcement actions in response to these violations. The NOPVOC also provided the Respondent an opportunity to confer with the EPA in regards to this matter. Respondent and EPA had a conversation on March 19, 2021, to discuss the NOPVOC.

18. Therefore, Respondent violated regulations at 40 C.F.R. § 147.2925(a), by failing to comply with the permit.

#### **SECTION 1423(c) COMPLIANCE ORDER**

19. Based on the foregoing findings, and pursuant to the authority of Section 1423(c) of the Act, 42 U.S.C. § 300h-2(c), EPA Region 6 hereby orders the Respondent to perform the following within thirty (30) days of the effective date of a Final Order:

- a. Install the pressure line to continuous monitoring device below the cut-off valve. The pressure line should be installed without any valves or blockages so injection pressure will be continuously monitored and recorded at all times (24 hours/7 days a week).
- b. Install the proper fittings on the annulus to allow for an EPA inspector to attach a pressure gauge.

- c. Inject on gravity feed only. The injection pumps or any other pumps shall only be used for the initial injection startup and can only run for 20 minutes thereafter. Once the initial 20 minutes are over the injection pumps must be turned off.
  - d. Resubmit the continuous pressure monitoring charts for January 2020, February 2020, March 2020, April 2020, July 2020, September 2020, and October 2020 with the certifications pursuant to 40 C.F.R. § 147.2925(j).
  - e. Submit the monthly continuous pressure monitoring charts with the certification pursuant to 40 C.F.R. § 147.2925(j) for the months of May 2020, June 2020, August 2020, and November 2020 through February 2021.
  - f. Perform quality assurance and calibration on equipment and submit certified records of this quality assurance and calibration with the certification pursuant to 40 C.F.R. § 147.2925(j) for the months of January 2020 through February 2021.
  - g. Submit written certification that the aforementioned sub-paragraphs: a, b, and c have been complied with.
20. Submit the required information to the EPA at [rudolph.matthew@epa.gov](mailto:rudolph.matthew@epa.gov) within thirty (30) days of the date of receipt of a Final Administrative Order.

#### **NOTICE OF OPPORTUNITY TO REQUEST A HEARING**

21. Respondent may request a hearing to contest the issuance of this Section 1423(c) Compliance Order, pursuant to Section 1423(c)(3)(A) of the Act, 42 U.S.C. § 300h-2(c)(3)(A). Such hearing shall not be subject to section 554 or 556 of Title 5, but shall provide a reasonable opportunity to be heard and to present evidence.

22. A request for a hearing must be made within thirty (30) days of the date of receipt of this Proposed Administrative Order. If you would like to request a hearing on this Order, submit the

hearing request to the Regional Hearing Clerk (6ORC); U.S. Environmental Protection Agency, Region 6; 1201 Elm Street, Suite 500; Dallas, Texas 75270-2102.

23. Should a hearing be requested, members of the public who commented on the issuance of this Order during the public comment period would have a right to be heard and present evidence at a hearing under Section 1423(c)(3)(C) of the Act, 42 U.S.C. § 300h-2(c)(3)(C).

### **GENERAL PROVISIONS**

24. This Order does not constitute a waiver, suspension, or modification of the requirements of 40 C.F.R. Parts 144, 146, and 147, Subpart GGG, which remain in full force and effect.

25. Issuance of this Order is not an election by EPA to forego any civil or criminal action otherwise authorized under the Act.

26. Violation of the terms of this Order after its effective date or date of final judgment as described in Section 1423(c)(6) of the Act, 42 U.S.C. § 300h-2(c)(6), may subject Respondent to further enforcement action, including a civil action for enforcement of this Order under Section 1423(b) of the Act, 42 U.S.C. § 300h-2(b), and civil and criminal penalties for violations of the compliance terms of this Order under Section 1423(b)(1) and (2) of the Act, 42 U.S.C. § 300h-2(b)(1) and (2).

### **SETTLEMENT**

27. EPA encourages all parties against whom an administrative order is proposed to pursue the possibility of settlement through informal meetings with EPA. Regardless of whether a formal hearing is requested, Respondent may confer informally with EPA about the alleged violations. Respondent may wish to appear at any informal conference or formal hearing personally, by counsel or other representative, or both. To request an informal conference on the matters described in this Order, please contact Mr. Matthew Rudolph, of my staff, at (214) 665-6434.



**EFFECTIVE DATE**

28. If this action is settled without a formal hearing, it will become final with the issuance of a Final Administrative Order thirty (30) days after the issued date of this proposed order pursuant to Section 1423(c)(6) of the Act, 42 U.S.C. § 300h-2(c)(6).

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Date

**STEPHEN  
GILREIN**

Digitally signed by STEPHEN GILREIN  
DN: c=US, o=U.S. Government,  
ou=Environmental Protection  
Agency, cn=STEPHEN GILREIN,  
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Cheryl T. Seager, Director  
Enforcement and  
Compliance Assurance Division

**CERTIFICATE OF SERVICE**

I certify that the foregoing Administrative Order was sent to the following persons, in the manner specified, on the date below:

Copy via Email to Complainant:

[chang-vaughan.ellen@epa.gov](mailto:chang-vaughan.ellen@epa.gov)

Copy via Email to Respondent:

[jasell12@yahoo.com](mailto:jasell12@yahoo.com)

Original hand-delivered: Regional Hearing Clerk (R6ORC)  
U.S. EPA, Region 6  
1201 Elm Street, Suite 500  
Dallas, TX 75270

Copy: Ms. Robin Phillips, Superintendent  
Bureau of Indian Affairs  
Osage Agency  
P.O. Box 1539  
Pawhuska, OK 74056  
[robin.phillips@bia.gov](mailto:robin.phillips@bia.gov)

Ms. Jann Hayman, Director  
Osage Nation Department of Natural Resources  
100 W. Main, Suite 304  
Pawhuska, OK 74056  
[jannhayman@osagenation-nsn.gov](mailto:jannhayman@osagenation-nsn.gov)

Dated: 6/9/2021

Matthew Rudolph