

U. S. ENVIRONMENTAL PROTECTION AGENCY-REGION 6  
ADMINISTRATIVE ORDER

In the Matter of McCann Resources, Inc., Respondent  
Docket No. SDWA-06-2015-1145

FILED

2015 SEP -9 AM 10:35

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 ("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 delegated such authority to the Director of the Compliance Assurance and Enforcement Division. 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. McCann Resources, Inc. ("Respondent") 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 violation alleged herein, Respondent operated an injection well located in the Northwest Quarter of Section 21, Township 28 North, Range 11 East, West Bowring Field, Osage County, Oklahoma, designated as Well Number 17 and EPA Inventory Number OS5312 ("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. EPA regulations require the operator of an "injection well," as defined at 40 C.F.R. § 147.2902, to maintain its injection wells in a manner which will prevent movement of fluid into underground sources of drinking water ("USDWs"), pursuant to 40 C.F.R. §§ 2920 and 2923.

5. EPA conducted a file review and determined the well has been inactive since August 24, 2004, and authorization to inject was terminated on September 12, 2006.

6. A January 9, 2009 EPA inspection report shows the well failed a mechanical integrity test. A June 24, 2009 EPA inspection shows the well was inactive with a high fluid level in the tubing and a packer wedged in the well.

7. On October 19, 2009 and December 13, 2012, EPA approved Respondent's proposed corrective actions and required Respondent to repair the well and demonstrate mechanical integrity of the well.

8. Reports from EPA inspections on November 2, 2012 and May 2, 2013 show the well was not repaired and that the fluid level in the well bore was above the zone of USDWs.

9. Therefore, Respondent violated the regulations set forth at 40 C.F.R. §§ 2920 and 2923, by failing to complete corrective action and maintaining the well in a manner that may allow movement of fluid into USDWs.

ORDER

10. Based on the foregoing findings and under the authority of Section 1423(c) of the Act, it is hereby ordered that Respondent shall plug the well or convert it to production use within thirty (30) days of the effective date of the Order.

GENERAL PROVISIONS

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

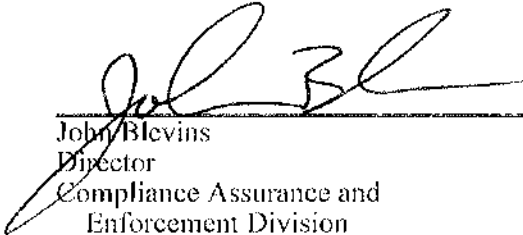
12. Issuance of this Order is not an election by EPA to forego any civil or criminal action otherwise authorized under the Act.

13. 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), (2).

EFFECTIVE DATE

14. This Order becomes effective thirty (30) days after issuance unless an appeal is taken pursuant to Section 1423(c)(6) of the Act, 42 U.S.C. § 300h-2(c)(6).

9.2.15  
Date

  
John Blewins  
Director  
Compliance Assurance and  
Enforcement Division

**CERTIFICATE OF SERVICE**

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

Original hand-delivered: Regional Hearing Clerk (6RC-D)  
U.S. EPA, Region 6  
1445 Ross Avenue, Suite 1200  
Dallas, TX 75202-2733

Copy by certified mail  
return receipt requested: Mr. Mark McCann  
McCann Resources  
1613 West 6<sup>th</sup> Street  
Bartlesville, OK 74003

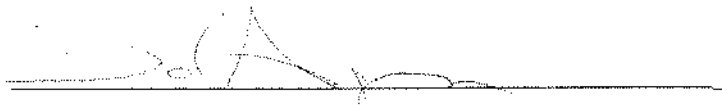
Mr. Mark McCann, Registered Agent  
McCann Resources, Inc.  
120 North Sherman  
Sedan, KS 67361-1331

Copy: Bureau of Indian Affairs, Osage Agency  
P.O. Box 1539  
Pawhuska, OK 74056

Osage Nation Environmental and Natural Resources Department  
P.O. Box 1495  
Pawhuska, OK 74056

Dated: \_\_\_\_\_

8/20/15

A handwritten signature in black ink, appearing to be "D. A. [unclear]", is written over a horizontal line.