

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5

In the Matter Of:)	Docket No. SDWA-05-2021-0006
)	
Vonk Oil and Gas LLC)	Proceeding under Section 1423(c)
of Manistee County, Michigan)	of the Safe Drinking Water Act,
)	42 U.S.C. § 300h-2(c)
Respondent.)	
)	

Administrative Order on Consent

Preliminary Statement

1. The Director of the Enforcement and Compliance Assurance Division, U.S. Environmental Protection Agency (EPA), Region 5, is issuing this Administrative Order on Consent (AOC) to Vonk Oil and Gas LLC (Respondent or Vonk) pursuant to Section 1423(c)(2) of the Safe Drinking Water Act (SDWA), 42 U.S.C. § 300h-2(c)(2).

Statutory and Regulatory Background

2. Section 1421 of the SDWA, 42 U.S.C. § 300h, requires that the Administrator of EPA promulgate regulations, which shall include permitting requirements as well as inspection, monitoring, recordkeeping, and reporting requirements, for state underground injection control (UIC) programs to prevent unauthorized underground injections and underground injections that endanger drinking water sources.

3. Pursuant to Section 1422(b) of the SDWA, 42 U.S.C. § 300h-1(b), designated states shall apply to obtain primary enforcement responsibility for their UIC programs (a concept called “primacy”).

4. Section 1422(c) of the SDWA, 42 U.S.C. § 300h-1(c), provides that the Administrator of EPA shall by regulation prescribe UIC programs applicable to those states that have not obtained primacy for their UIC programs or do not have primacy for all types of wells.

5. Section 1421(d)(1) of the SDWA, 42 U.S.C. § 300h(d)(1), defines “underground injection” as the subsurface emplacement of fluids by well injection and excludes the underground injection of natural gas for purposes of storage and the underground injection of fluids or propping agents (other than diesel fuels) pursuant to hydraulic fracturing operations related to oil, gas, or geothermal production activities.

6. Pursuant to Sections 1421 and 1422 of the SDWA, 42 U.S.C. §§ 300h and 300h-1, respectively, EPA has promulgated regulations for the UIC programs at 40 C.F.R. Parts 124 and 144 through 148.

7. The SDWA and its regulations prohibit all underground injections unless authorized by a permit or a rule. 42 U.S.C. § 300h(b)(1)(A); 40 C.F.R. § 144.11.

8. EPA administers and has primary enforcement responsibility of the UIC program in the State of Michigan. The UIC program for the State of Michigan is administered by EPA, as set forth at 40 C.F.R. Part 147, Subpart X-Michigan.

9. The UIC programs regulate underground injection by six classes of wells and all owners or operators of these wells must obtain authorization for their injections either by permit or rule. 40 C.F.R. § 144.1(g). Class II wells inject fluids which are brought to the surface in connection with natural gas storage operations, or conventional oil or natural gas production and may be commingled with waste waters from gas plants which are an integral part of production operations, unless those waters are classified as a hazardous waste at the time of injection; for enhanced recovery of oil or natural gas; and for storage of hydrocarbons which are liquid at standard temperature and pressure. 40 C.F.R. § 144.6(b)(1).

10. In accordance with 40 C.F.R. § 144.51(a), any UIC permittee must comply with all conditions of its permit which include the requirements set forth in 40 C.F.R. §§ 144.11-

144.19. Any permit noncompliance constitutes a violation of the SDWA, except that the permittee need not comply with the provisions of its permit to the extent and for the duration such noncompliance is authorized in an emergency permit under 40 C.F.R. § 144.34.

11. Section 1423(a)(2) of the SDWA, 42 U.S.C. § 300h-2(a)(2), authorizes EPA to order any person found to be in violation of any requirement of an applicable UIC program to comply with such requirement or regulation pursuant to Section 1423(c)(2) of the SDWA, 42 U.S.C. § 300h-2(c)(2).

Factual Allegations and Conclusions of Law

12. Respondent is Vonk Oil and Gas LLC, a limited liability company, doing business in Michigan, and as such, Respondent is a “person” as that term is defined at Section 1401(12) of the SDWA, 42 U.S.C. § 300f(12), and 40 C.F.R. § 144.3.

13. EPA issued Permit No. MI-101-2D-0073 (the “Permit”) to Vonk Oil and Gas LLC to operate an underground injection well, commonly known as Sharnowski #1-16A SWD located at 44.3151, -86.2625 in Manistee County, Michigan. The Permit became effective on January 6, 2006 and a major permit modification became effective on October 12, 2010.

14. The Permit authorizes the underground injection of brine fluids brought to the surface in connection with conventional oil or gas production from production wells owned or operated by Vonk Oil and Gas LLC into the Sharnowski #1-16 SWD well, subject to the terms and conditions set forth in the Permit. Injection is limited to the Traverse Limestone at depths between 988 feet and 1,522 feet.

15. Brine is a “fluid” because it is a material or substance that flows or moves whether in a semisolid, liquid, sludge, gas, or any other form or state. 40 C.F.R. § 144.3

16. The subsurface emplacement of brine through Sharnowski #1-16A well is a “well injection.” 40 C.F.R. § 144.3.

17. Respondent’s business address is 4960 Cedar Ridge NE, Grand Rapids, Michigan 49525 and its Sharnowski #1-16 SWD well, located at 44.3151, -86.2625, is a facility as defined by 40 C.F.R. § 144.3 subject to regulation under the UIC program.

18. At all times relevant to this AOC, Respondent owned the Sharnowski #1-16 SWD injection well in the State of Michigan and was thus subject to the UIC program requirements set forth at 40 C.F.R. Parts 124, 144, 146, 147 (Subpart X –Michigan), and 148.

19. At all times relevant to this AOC, Respondent did not apply for and obtain an emergency permit for the Sharnowski #1-16 SWD well identified in Paragraphs 13-18 pursuant to 40 C.F.R. § 144.34.

20. The Sharnowski #1-16A well is operated by Dynamic Development, Inc., located at 314 Parkdale Ave., Manistee MI 49660, Manistee County, Michigan.

21. On September 24, 2015, pursuant to Section 1445(b) of the SDWA, 42 U.S.C. § 300j-4(b) and 40 C.F.R. § 144.51(i) as reflected in Section (E)(7) of the Permit, an EPA credentialed inspector inspected Respondent’s facility located at 44.3151, -86.2625, off Bar Lake Road, Manistee County, Michigan.

22. On February 23, 2018, EPA provided its September 24, 2015 inspection report to Respondent.

23. On July 25, 2018, pursuant to Section 1445(a) of the SDWA, 42 U.S.C. § 300j-4(a), 40 C.F.R. § 144.17, and 40 C.F.R. § 144.51(h) as reflected in Section (E)(6) of the Permit, EPA requested information and records for the Sharnowski #1-16A well from Respondent.

24. On August 22, 2018, EPA received a complete written response from Respondent. Copies of records of quarterly mechanical integrity tests (MITs) from Quarter 1, 2016 through Quarter 1, 2018 showed annulus liquid being added and lost quarterly, though the quarterly monitoring reports submitted by Respondent showed zero (0) gallons of annulus liquid gained or lost for the same time period.

25. On October 31, 2018, EPA sent an email to Respondent in order to clarify Respondent's response to the July 2018 Information Request.

26. On November 9, 2018, Michael Dalke of Dynamic Development, Inc., field supervisor for the well, replied to EPA's email and indicated that gauges are not calibrated, but are checked periodically and replaced as needed.

27. On May 14, 2019, EPA sent a Noncompliance Notification Letter (NNL) to Respondent. This letter identified Respondent's failure to submit reports signed and certified by a responsible corporate officer or a duly authorized representative and to report noncompliance as violations of the Permit. From January 2015 through February 2019, reports for the Permit were signed and submitted by Cynthia Luomala, Secretary/Agent, Dynamic Development, Inc., on behalf of Respondent. However, at that time, Cynthia Luomala was not authorized to sign pursuant to Part I (E)(11) of the Permit. The NNL requested a written response from Respondent within 20 days of receipt, confirming that future reports submitted by Respondent would be signed and certified in accordance with Part I (E)(11) of the Permits.

28. On May 20, 2019, Respondent sent a written response to the May 2019 NNL to EPA, identifying Cynthia Luomala as a duly authorized representative of Vonk Oil and Gas LLC.

29. On December 18, 2019, EPA sent a second Noncompliance Notification Letter (NNL) to Respondent. This letter identified Respondent's failure to report weekly measurements of annulus pressure in the monthly reports it submitted to EPA between January 2015 through December 2015. Failure to report weekly measurements of annulus pressure is a violation of Part II (B)(2)(d), Part II (B)(3)(a), and Part III (A) of the Permit. The letter also identified Respondent's failure to report accurate measurements of annulus liquid loss/gain in the quarterly reports it submitted to EPA between Quarter 1, 2015 through Quarter 1, 2018. Records provided by Respondent in response to EPA's Information Request showed that volumes of 1-2 gallons of fluid were used to fill the annulus between Quarter 1, 2015 through Quarter 1, 2018, but Respondent's quarterly reports consistently reported "0" gallons to EPA for those quarterly reports. Failure to accurately report quarterly measurements of annulus liquid loss/gain is a violation of Part II (B)(2)(d), Part II (B)(3)(b), and Part III (A) of the Permit. The NNL requested a written response from Respondent within 20 days of receipt, informing EPA of the corrective actions Respondent will undertake to ensure compliance and explaining the rationale for their noncompliance.

30. On January 13, 2020, following a telephone conversation between EPA and Michael Dalke and Cynthia Luomala of Dynamic Development, Inc., EPA received a written response to the December 2019 NNL from the Respondent. To address the failure to report weekly measurements of annulus pressure, the Respondent enclosed copies of field reports for the year 2015, which showed the injection and annulus pressure measurements. In submitting the monthly reports, the Respondent explained they had used an old form that did not show annulus pressure. Respondent explained their practices around annulus fluid measurements. In an effort to return to compliance, Respondent confirmed that they would report all annulus fluid added to

the annulus during MITs and would keep a positive pressure on the annulus going forward.

Respondent also indicated that there was a pressure/vacuum gauge on the injection tubing and a pressure gauge on the annulus.

31. On December 11, 2020, in an email to James Vonk, EPA requested the Quarter 3, 2020 report, monthly monitoring reports for April, May, July, August, September, and October 2020, any documentation of gauge calibration and/or replacement for the last 5 years, and any documentation of the use of a pressure/vacuum gauge (a gauge that reads negative pressure) on the annulus (a), pursuant to Part I(E)(6) of the Permit.

32. Between January 25, 2021 and February 10, 2021, EPA received the requested quarterly and monthly monitoring reports from Respondent. During a phone call on January 26, 2021, Cynthia Luomala of Dynamic Development, Inc., indicated that the annulus gauge was replaced after March 2020.

Count 1 - Failure to Sign and Certify Reports as Required

33. At all times relevant to this AOC, Respondent's Permit at Part I (E)(11) requires Respondent to sign and certify reports according to 40 C.F.R. § 144.32.

34. From January 2015 through February 2019, reports for the Permit were signed and submitted by Cynthia Luomala, Secretary/Agent, Dynamic Development Inc., on behalf of Vonk Oil and Gas LLC. However, at that time, Cynthia Luomala was not an authorized signatory pursuant to Part I (E)(11) of the Permit.

35. On May 14, 2019, EPA sent a Noncompliance Notification Letter (NNL) to Respondent, identifying the Respondent's failure to comply with Part I (E)(11)—Signatory Requirements of the Permit.

36. Respondent's failure to sign and certify reports according to 40 C.F.R. § 144.32 is a violation of Part I (E)(11) of the Permit and the UIC regulations at 40 C.F.R. 40 C.F.R. § 144.32 and the SDWA.

Count 2 - Failure to Report Annulus Pressure as Required

37. At all times relevant to this AOC, Respondent's Permit at Part II (B)(2)(d), Part II (B)(3)(a), and Part III (A) requires Respondent to monitor and record weekly and report monthly measurements of annulus pressure.

38. During a document review following the inspection, EPA's case manager identified Respondent's failure to report weekly measurements of annulus pressure in monthly reports it submitted to EPA from January 2015 to December 2015. On December 18, 2019, EPA sent a second Noncompliance Notification Letter (NNL) to Respondent citing this potential violation.

39. In Respondent's January 13, 2020 response to the NNL, Respondent enclosed copies of field reports for the year 2015, which showed the injection and annulus pressure measurements. Respondent explained they had monitored annulus pressure but had failed to report it, because they had used an old reporting form that did not include annulus pressure.

40. During a second document review, EPA's case manager also identified Respondent's failure to report weekly measurements of annulus pressure in monthly reports it submitted to EPA from January 2016 to February 2017.

41. Respondent's failure to report annulus pressure is a violation of Part II (B)(2)(d), Part II (B)(3)(a), and Part III (A) of the Permit and the SDWA.

Count 3 - Failure to Submit Accurate Quarterly Reports as Required

42. At all times relevant to this AOC, Respondent's Permit at Part II (B)(2)(d), Part II (B)(3)(b), and Part III (A) requires Respondent to monitor, record, and report annulus liquid loss on a quarterly basis.

43. During a document review following the inspection, EPA's case manager observed that Respondent consistently reported "0" gallons of annulus liquid loss or gain for all quarterly reports between March 2015 through March 2018.

44. In Respondent's response to the Information Request, Respondent submitted records which showed that volumes of 1 to 2 gallons of fluid were used to fill annulus between March 2015 through March 2018, contrary to the quarterly reports submitted.

45. Respondent's failure to submit accurate quarterly reports is a violation Part II (B)(2)(d), Part II (B)(3)(b), and Part III (A) of the Permit and the SDWA.

Count 4 - Failure to Submit Accurate Monthly Reports

46. At all times relevant to this AOC, Respondent's Permit at Part II (B)(2)(d), Part II (B)(3)(a), and Part III (A) requires Respondent to monthly report accurate weekly measurements of injection and annulus pressure.

47. During a records review of the Information Request Response received on August 22, 2018, EPA's case manager observed discrepancies between the annulus and injection pressure readings in the field records and the annulus and injection pressure submitted in monthly reports to EPA.

a. Respondent inaccurately reported injection pressure in January 2015-March 2016 and October 2016-July 2017 (26 inaccurate reports).

b. Respondent inaccurately reported annulus pressure in January 2015-March 2016, and May 2016-February 2017, and December 2017 (25 inaccurate reports).

48. Respondent's failure to submit accurate monthly monitoring reports constitutes a violation of Part II (B)(2)(d), Part II (B)(3)(a), and Part III (A) of the Permit, the UIC regulations at 40 C.F.R. §§ 144.51(a), and the SDWA.

Count 5 - Failure to Operate Properly

49. At all times relevant to this AOC, Respondent's Permit at Part II (B)(1)(a) and Part III (A) limits the maximum injection pressure to 207 pounds per square inch gauge (psig).

50. During a records review of the Information Request Response received on August 22, 2018, EPA's case manager observed a recorded maximum injection pressure of 280 psig on November 30, 2017.

51. Respondent's failure to operate properly constitutes a violation of Part II (B)(1)(a) and Part III (A) of the Permit, the UIC regulations at 40 C.F.R. §§ 144.51(a), and the SDWA.

Compliance Requirements

52. As provided by Section 1423(c)(2) of the SDWA, 42 U.S.C. § 300h-2(c)(2), Respondent shall from the effective date of this AOC:

(i) Fill the annulus between the injection tubing and the long string casing with a liquid designed to inhibit corrosion, and keep it completely filled with liquid, in accordance with Part II (B)(1)(d) of the Permit.

(ii) Monitor the annulus quarterly for annulus liquid loss or gain and report the volume changes in accordance with Part II (B)(2)(d) and Part II (B)(3)(b) of the Permit.

(iii) Retain all monitoring information in accordance with the Part I (E)(8) of the Permit and 40 C.F.R. § 144.51(j), including the date, exact place, and time of measurements, the individual(s) who performed the measurements, the methods used, and the results.

(iv) Within 30 days of the effective date of this AOC, submit to EPA copies of all records of monitoring information with Respondent's quarterly and monthly reports, for 12 months from the effective date of this AOC. Reports and records of all monitoring information shall be postmarked no later than the 10th day of the month following the reporting period.

(v) Within 90 days of the effective date of this AOC, submit to EPA for approval a standard operating procedure (“SOP”) for use in providing adequate direction to all staff or contractors in monitoring, recording, and reporting measurements of injection pressure, annulus pressure, and annulus liquid loss required by Part II (B)(2)(d), Part II (B)(3)(a), Part II (B)(3)(b), and Part III (A) of the Permit. The SOP must be implemented after approval by EPA and must address procedures for accurately recording measurements of injection pressure, annulus pressure, and annulus liquid loss, while the well is injecting or not. The SOP must also address how all monitoring information, especially that required for monthly and quarterly monitoring reports, will be maintained in accordance with the Permits and 40 C.F.R. § 144.51(j).

(vi) Within 30 days of the effective date of this AOC, submit to EPA documentation of using pressure/vacuum gauges that measure negative pressure to measure injection and annulus pressure. Documentation can include receipts of purchase and photos of the wellhead.

General Provisions

53. All reports, notifications, documentation, submissions, and other correspondence required to be submitted by this Order must be submitted to EPA electronically, to the extent possible. Exhibit A provides the instructions needed for electronic submissions. Electronic submissions must be sent to the following addresses: Shonnard.Christine@epa.gov, Mendoza.Stephen@epa.gov. If electronic submittal is not possible, the submissions must be made by certified mail (return receipt requested) and mailed to the following address:

Christine Shonnard (ECW-15J)
Water Enforcement and Compliance Assurance Branch
Enforcement and Compliance Assurance Division
U.S. Environmental Protection Agency, Region 5
77 West Jackson Boulevard
Chicago, Illinois 60604

54. Reports, notifications, documentation, and submissions must be signed by a duly authorized representative of Respondent and shall include the following statement consistent with 40 C.F.R. § 144.32(d):

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified

personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

55. Respondent may not withhold information based on a claim that it is confidential. However, pursuant to 40 C.F.R. Part 2, Subpart B, Respondent may assert a claim of business confidentiality regarding any portion of the information submitted in response to this AOC, as provided in 40 C.F.R. § 2.302(a)(2). The manner of asserting such claims is specified in Exhibit B. The name and address of any permit applicant or permittee and information which deals with the existence, absence, or level or contaminants in drinking water is not entitled to confidential treatment. 40 C.F.R. § 144.5.

56. If Respondent finds at any time after submitting information that any portion of that information is false or incorrect, the signatory must notify EPA immediately. Knowingly submitting false information to EPA in response to this AOC may subject Respondent to criminal prosecution under Section 1423(b) of the SDWA, 42 U.S.C. § 300h-2(b), as well as 18 U.S.C. §§ 1001 and 1341.

57. Submissions required by this AOC shall be deemed submitted on the date they are sent electronically or on the date postmarked if sent by U.S. mail.

58. The information required to be submitted pursuant to this AOC is not subject to the approval requirements of the Paperwork Reduction Act of 1995, 44 U.S.C. § 3501 *et seq.* because it seeks the collection of information by an agency from specific individuals or entities as part of an administrative action or investigation.

59. EPA may use any information submitted in accordance with this AOC in support of an administrative, civil, or criminal action.

60. Violation of this AOC shall be deemed a violation of the SDWA for purposes of Section 1423(b) of the SDWA, 42 U.S.C. § 300h-2(b).

61. This AOC does not affect the rights of EPA or the United States to pursue appropriate injunctive or other equitable relief or criminal sanctions for any violation of law.

62. This AOC does not affect Respondent's responsibility to comply with the SDWA and other applicable federal, state, or local laws and permits.

63. Respondent agrees to the terms of this Order. Vonk Oil and Gas LLC waives any remedies, claims for relief, and otherwise available rights to judicial or administrative review that it may have with respect to any issue of fact or law set forth in this Order, including any right of judicial review under Section 1448(a), 42 U.S.C. § 300j-7(a), of the SDWA or Chapter 7 of the Administrative Procedure Act, 5 U.S.C. §§ 701-706.

64. Respondent waives its right to request a hearing and its right to appeal this AOC as provided in Section 1423(c) of the SDWA, 42 U.S.C. § 300h-2(c).

65. The terms of this AOC bind Respondent and its successors and assigns. Respondent must give notice of this Order to any successors in interest prior to transferring ownership and must simultaneously verify to the EPA, via an email to Christine Shonnard (Shonnard.Christine@epa.gov), that it has given the notice.

66. Each person signing this AOC certifies that he or she has the authority to sign for the party whom he or she represents and to bind that party to the terms of this AOC.

67. The parties acknowledge and agree that final approval by EPA of this AOC is subject to Section 1423(c)(3) of the SDWA, 42 U.S.C. § 300h-2(c)(3) which provides public notice and a reasonable opportunity to comment on any proposed order.

68. In accordance with 1423(c)(3)(B) and (D) of the SDWA, 42 U.S.C. § 300h-2(c)(3)(B) and (D), once the procedures under 42 U.S.C. § 300h-2 are exhausted, this AOC shall become effective.

69. Violations of the AOC after its effective date or the date of final judgment in the event of an appeal under Section 1423(c)(6) of the SDWA, 42 U.S.C. § 300h-2(c)(6), may subject Respondent to a civil action in a United States District Court with (1) penalties up to \$58,328 per day of violation as authorized in Section 1423(b) of the SDWA, 42 U.S.C. § 300h-2(b), and as modified by EPA's Civil Monetary Penalty Inflation Adjustment Rule, 85 Fed. Reg. 1753 (January 13, 2020), codified at 40 C.F.R. § 19.4; and (2) if such violation is willful, in addition to or in lieu of a civil penalty, imprisonment for not more than 3 years, or a fine in accordance with Title 18 of the United States Code, or both.

70. EPA may terminate this Order at any time by written notice to Respondent.

71. Absent EPA's written notice to terminate described in Paragraph 69 and within 30 days after submitting all information required under this AOC and demonstrating compliance with this AOC, the SDWA, and the Permits, Respondent may request in writing that EPA terminate this AOC. Respondent must submit to EPA enforcement officer, Christine Shonnard (Shonnard.Christine@epa.gov), a written final report and certification of completion describing all actions taken to comply with all requirements of this CAFO. Respondent must include the certification language required under Paragraph 54. In response to the request for termination and written final report, EPA may require additional information, actions, or evidence from Respondent to show compliance with this AOC; EPA may pursue appropriate administrative or judicial action to require compliance with this AOC; or EPA may accept the request for termination. Absent the notice described in Paragraph 69, this AOC shall terminate on the date

that EPA notifies Respondent in writing that EPA agrees with Respondent's request for termination.

Administrative Order on Consent

In the Matter of: Vonk Oil and Gas LLC

Docket Number. SDWA-05-2021-0006

James Vonk

5-22-21
Date

James Vonk
James Vonk
President
Vonk Oil and Gas LLC

**Administrative Order on Consent
In the Matter of: Vonk Oil and Gas LLC
Docket Number. SDWA-05-2021-0006**

United States Environmental Protection Agency

Date

Michael D. Harris
Director
Enforcement and Compliance Assurance Division
U.S. Environmental Protection Agency, Region 5

Exhibit A – Instructions for Electronic Submissions

To aid in our electronic recordkeeping efforts, EPA requests that you provide all documents responsive to this information request in an electronic format according to paragraphs 1 through 7, below. These electronic submissions are in lieu of hard copy submissions. Please submit hard copies of any documents that cannot be submitted electronically due to unconventional paper size.

1. Provide all responsive documents in Portable Document Format (PDF) or similar format, unless otherwise requested in specific questions. If the PDFs are scanned images, perform at least Optical Character Recognition (OCR) for “image over text” to allow the document to be searchable. Submitters providing secured PDFs should also provide unsecured versions for EPA use in repurposing text.
2. When specific questions request data in electronic spreadsheet form, provide the data and corresponding information in editable Excel or Lotus format, and not in image format. If Excel or Lotus formats are not available, then the format should allow for data to be used in calculations by a standard spreadsheet program such as Excel or Lotus.
3. Ensure that all electronic files are text-searchable.
4. Provide documents claimed as CBI or those that contain personal privacy information (PII) in electronic files named in a manner that indicate that the information is either claimed as CBI or contains PII.
5. Create a document index that clearly identifies any single electronic document that has been separated into multiple electronic files (because of size limitation or otherwise) and each component file that comprises the full document.
6. Provide a table of contents for all electronic documents submitted in response to our request so that each document can be accurately identified in relation to your response to a specific question. *EPA recommends the use of electronic file folders organized by question number.*
7. Certify that the attached files have been scanned for viruses and indicate what program was used.

Exhibit B – Confidential Business and Personal Privacy Information

Assertion Requirements

Vonk Oil and Gas LLC may assert a business confidentiality claim covering any parts of the information requested in the attached AOC, as provided in 40 C.F.R. § 2.203(b).

To make a confidentiality claim, submit the requested information and indicate that you are making a claim of confidentiality. Any document for which you make a claim of confidentiality should be marked by attaching a cover sheet stamped or typed with a caption or other suitable form of notice to indicate the intent to claim confidentiality. The stamped or typed caption or other suitable form of notice should employ language such as “trade secret” or “proprietary” or “company confidential” and indicate a date, if any, when the information should no longer be treated as confidential.

Information covered by such a claim will be disclosed by EPA only to the extent permitted and by means of the procedures set forth in 40 C.F.R. Part 2. Under 40 C.F.R. § 144.5, the following information is not entitled to confidential treatment and claims of confidentiality will be denied: name and address of any permit applicant or permittee, and information which deals with the existence, absence, or level of contaminants in drinking water.

Allegedly confidential portions of otherwise non-confidential documents should be clearly identified. EPA will construe the failure to furnish a confidentiality claim with your response to the information request as a waiver of that claim, and the information may be made available to the public without further notice to you.

Determining Whether the Information Is Entitled to Confidential Treatment

Pursuant to 40 C.F.R. Part 2, Subpart B, EPA may at any time send you a letter asking that you support your confidential business information (CBI) claim. If you receive such a letter, you must respond within the number of days specified by EPA. Failure to submit your comments within that time would be regarded as a waiver of your confidentiality claim or claims, and EPA may release the information. If you receive such a letter, EPA will ask you to specify which portions of the information you consider confidential by page, paragraph and sentence. Any information not specifically identified as subject to a confidentiality claim may be disclosed to the requestor without further notice to you. For each item or class of information that you identify as being CBI, EPA will ask that you answer the following questions, giving as much detail as possible:

1. For what period of time do you request that the information be maintained as confidential, e.g., until a certain date, until the occurrence of a special event or permanently? If the occurrence of a specific event will eliminate the need for confidentiality, specify that event.
2. Information submitted to EPA becomes stale over time. Why should the information you claim as confidential be protected for the time period specified in your answer to question number 1?

3. What measures have you taken to protect the information claimed as confidential? Have you disclosed the information to anyone other than a governmental body or someone who is bound by an agreement not to disclose the information further? If so, why should the information still be considered confidential?
4. Is the information contained in any publicly available databases, promotional publications, annual reports or articles? Is there any means by which a member of the public could obtain access to the information? Is the information of a kind that you would customarily not release to the public?
5. Has any governmental body made a determination as to confidentiality of the information? If so, attach a copy of the determination.
6. Do you assert that the information is submitted on a voluntary or a mandatory basis? Explain the reason for your assertion. If you assert that the information is voluntarily submitted information, explain whether and why disclosure of the information would tend to lessen the availability to EPA of similar information in the future.
7. Is there any other information you deem relevant to EPA's determination regarding your claim of business confidentiality?

If you receive a request for a substantiation letter from the EPA, you bear the burden of substantiating your confidentiality claim. Conclusory allegations will be given little or no weight in the determination. In substantiating your CBI claim(s), you must bracket all text so claimed and mark it "CBI." Information so designated will be disclosed by EPA only to the extent allowed by and by means of the procedures set forth in 40 C.F.R. Part 2, Subpart B. If you fail to claim the information as confidential, it may be made available to the public without further notice to you.

Please also note that pursuant to 40 C.F.R. § 2.204, EPA may determine that the information you claimed as CBI is clearly not entitled to confidential treatment and issue a final determination without providing you an opportunity to substantiate your claim. Examples of information clearly not entitled to confidential treatment is information which deals with the existence, absence, or level of [contaminants](#) in drinking water pursuant to 40 C.F.R. § 2.304(e).

Personal Privacy Information

Please segregate any personnel, medical and similar files from your responses and include that information on a separate sheet(s) marked as "Personal Privacy Information." Disclosure of such information to the general public may constitute an invasion of privacy.