

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 6
1445 ROSS AVENUE
DALLAS, TEXAS 75202

FILED

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REGIONAL HEARING CLERK
EPA REGION VI

IN THE MATTER OF:)
)
Jireh Resources, LLC) Docket No.:
Warren American Oil Company, LLC) SDWA-06-2017-1110
Novy Oil and Gas, Inc.) SDWA-06-2017-1111
) SDWA-06-2017-1112
)
) **EPA'S RESPONSES**
) **TO PUBLIC COMMENTS**
)
_____)

I. SUMMARY

On August 4, 2017, the U.S. Environmental Protection Agency, Region 6 ("EPA") proposed issuance of administrative orders for compliance ("Proposed Orders") pursuant to Section 1423(c) of the Safe Drinking Water Act ("SDWA"), 42 U.S.C. § 300h-2(c) to Novy Oil and Gas, Inc., Warren American Oil Company, LLC, and Jireh Resources, LLC ("Respondents") for violating the SDWA's Underground Injection Control ("UIC") program requirements at 40 C.F.R. Part 147, Subpart GGG. The public comment period on the Proposed Orders began August 8, 2017 and closed on September 6, 2017. EPA announced the public comment period through a public notice published on the EPA Region 6 website.

EPA's public notice of the Proposed Orders also provided the Respondent and public with notice of the availability of a hearing on the Proposed Orders in accordance with Section 1423(c) of the SDWA.

During the comment period, EPA received eight comment letters including three from the three Respondents which included a request for a hearing.

On September 21, 2017, the EPA Region 6 Regional Judicial Officer provided the three Respondents with notice that a hearing ("Hearing") on the Proposed Orders would be held on October 11, 2017, at 9:15 AM in Tulsa, Oklahoma.

EPA Region 6 Presiding Officer, Thomas Rucki, administered the Hearing. During the Hearing, the following commenters provided comment and entered testimony:

1. Robert Winter, attorney for Jireh Resources, LLC
2. David House for Jireh Resources, LLC
3. Lanny Woods for Jireh Resources, LLC

4. Steve McNamara, attorney for Warren American Oil Company, LLC
5. Doug Norton for Warren American Oil Company, LLC
6. John Tucker, attorney for Novy Oil & Gas, Inc.

II. EPA'S RESPONSE TO COMMENTS

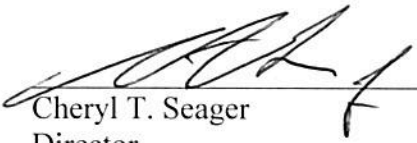
EPA has addressed the written comments on the Proposed Orders received by the EPA Region 6 Regional Hearing Clerk in response to the public notices as well as the comments provided at the October 11, 2017 Hearing. See attached Overview and Response to Comments.

III. REVISIONS TO PROPOSED ORDERS

Based upon the comments and other considerations, the following revisions to the Proposed Orders were made and incorporated into the Final Orders.

The three Final Orders are fundamentally the same as the three Proposed Orders other than the following paragraphs that were added: 1) reference to the issuance of the Proposed Orders, 2) reference to public notices of the Proposed Orders, 3) the October 11, 2017 Hearing and 4) references to the Interim Final Bird Creek Investigation and Injection Well Response Action Plan dated August 4, 2017 and the Overview and Response to Comments dated December 21, 2017.

These revisions reflected in the Final Orders constitute a logical outgrowth of the issues and solutions presented in the Proposed Orders. None of the revisions were material or outside the scope of the Proposed Orders. The revisions reflected in the Final Orders do not rise to the level of significance to potentially prompt a new notice and comment period. The revisions were made in direct response to written and oral comments received by EPA in response to the public notice and at the October 11, 2017 Hearing and based upon other available information, and concern matters that the parties and interested persons knew to be at issue.



Cheryl T. Seager
Director
Compliance Assurance and
Enforcement Division

12-21-17

Date