



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 8

1595 Wynkoop Street  
DENVER, CO 80202-1129  
Phone 800-227-8917  
<http://www.epa.gov/region08>

2011 OCT -5 AM 10:21

Ref: 8ENF-UFO

OCT 05 2011

FILED  
EPA REGION VIII  
HOWARD CLARK

CERTIFIED MAIL – 7009-3410-0000-2594-7469  
RETURN RECEIPT REQUESTED

CT Corporation System, Registered Agent  
Whiting Oil and Gas Corporation  
314 E. Thayer Avenue  
Bismarck, ND 58501

Re: Public Notice Correction  
Docket No. SDWA-08-2011-0080

Registered Agent:

Enclosed is a copy of the Public Notice issued by the Environmental Protection Agency (EPA) as authorized by the Safe Drinking Water Act (SDWA), 42 U.S.C. § 300h-2. The Public Notice document included with the complaint and transmittal letter that the EPA sent to Whiting Oil and Gas Corporation on September 28, 2011 was incorrect and should be replaced by the document enclosed.

If you have any technical questions, contact Sarah Roberts at the above address (with the mail code 8ENF-UFO) or by phone at (303) 312-7056. For legal questions, the attorney assigned to this matter is Jim Eppers, who can be reached at the above address (with the mail code 8ENF-L) or by phone at (303) 312-6893.

Sincerely,

A handwritten signature in black ink, appearing to read "Sandra A. Stavnes".

Sandra A. Stavnes, Director  
UIC/FIFRA/OPA Technical Enforcement Program  
Office of Enforcement, Compliance  
and Environmental Justice  
U.S. EPA, Region 8  
1595 Wynkoop Street  
Denver, CO 80202

Enclosures:

Public Notice

cc:

The Honorable Tex Hall, Chairman  
Three Affiliated Indian Tribes  
404 Frontage Road  
New Town, ND 58763-9404

Joe Gillies Jr., Environmental Director  
Environmental Division  
Three Affiliated Indian Tribes  
204 W. Main  
New Town, ND 58763-9404

Brent A. Miller, Whiting Oil and Gas Corporation  
1700 Broadway  
Suite 2300  
Denver, CO 80209-2301

**U.S. ENVIRONMENTAL PROTECTION AGENCY (EPA)  
PUBLIC NOTICE  
OPPORTUNITY FOR PUBLIC COMMENT ON  
PROPOSED PENALTY COMPLAINT  
AND  
NOTICE OF OPPORTUNITY FOR HEARING  
AGAINST  
WHITING OIL AND GAS CORPORATION  
FOR FAILURE TO COMPLY WITH SAFE DRINKING WATER ACT  
UNDERGROUND INJECTION CONTROL (UIC) REGULATIONS  
AND ITS EPA UIC PERMIT**

**PURPOSE OF PUBLIC NOTICE**

The purpose of this notice is to solicit written comments on a Proposed Penalty Complaint and Notice of Opportunity for Hearing (complaint) [Docket No. **SDWA-08-2011-0080** ] that Region 8 of the United States Environmental Protection Agency (EPA) has issued to Whiting Oil and Gas Corporation, for alleged violations at a salt water disposal injection well in the Lucky Mound oilfield in township 150 north, section 28, range 89 west, in McLean County, North Dakota within the exterior boundary of the Ft. Berthold Indian Reservation. The complaint alleges violations of the Safe Drinking Water Act (SDWA), the regulations, and EPA UIC permits detailing the requirements of the SDWA's Underground Injection Control (UIC) program. These regulations govern the injection of fluids that may endanger an underground source of drinking water (USDW). The complaint alleges that the company failed to submit accurate monitoring reports. The complaint proposes a civil penalty of \$151,250 for the alleged violations.

EPA desires to receive written comments from any interested party having knowledge of the alleged violations or who can provide any information useful to ensure that the complaint is appropriate. EPA will review and consider all comments received, and will thereafter determine whether the comments, if any, justify the modification or withdrawal of the complaint.

**BACKGROUND**

Part C of the SDWA (40 U.S.C. §300h *et seq*) requires EPA to regulate underground injection of fluid through wells to assure that underground sources of drinking water (USDWs) are not endangered. Section 1421 of the SDWA (40 U.S.C. §300h) requires EPA to administer UIC programs in States or Indian Reservations that do not have approved UIC programs. Regulation of the UIC Class II Program has not been delegated to the Three Affiliated Indian Tribes, therefore, EPA administers the program in accordance with title 40 of the Code of Federal Regulations (40 C.F.R.) parts 124, 144, 146, 147, and 148.

The Class II salt water disposal injection well, named Hendrickson 42-28, which is the subject of this complaint, is located in the Lucky Mound oilfield within the external boundary of the Ft. Berthold Indian Reservation in McLean County, North Dakota. A Class II injection well, pursuant to 40 C.F.R. § 146.5, is a well that injects fluids which are brought to the surface in connection with conventional oil or natural gas production.

The complaint alleges that Whiting Oil and Gas Corporation is in violation of its EPA UIC permit (ND20817-04354) and UIC regulations, namely Title 40 of the Code of Federal Regulations, Section 144.32(b), by failing to submit accurate monitoring reports and is subject to appropriate penalties for failing to meet the requirements of the SDWA and its implementing regulations.

### **PUBLIC COMMENTS**

Written comments on the complaint are encouraged and will be accepted at the address listed below for a period of thirty (30) calendar days after the publication of this notice. Written comments submitted by the public, as well as information submitted by Whiting Oil and Gas Corporation will be available for public review as part of the Administrative Record, subject to the provisions of law restricting the disclosure of confidential information. Whiting Oil and Gas Corporation may request a hearing. Any person submitting written comments will be notified of and has a right to participate in such a hearing. The complaint and the Administrative Record are available for review between 9:00 a.m. and 4:00 p.m. at the address listed below. Any person wishing to view the Administrative Record or receive a copy of this public notice should call Sarah Roberts in the Technical Enforcement Program, EPA Region 8, at (303) 312-7056 before visiting EPA Region 8 offices. Please submit written comments to:

Tina Artemis (8RC)  
Regional Hearing Clerk  
U.S. EPA, Region 8  
1595 Wynkoop Street  
Denver, Colorado 80202

### **THE DECISION**

EPA will review and consider all public comments received on the public notice and will thereafter determine whether the comments, if any, justify the modification or withdrawal of the complaint. If the complaint is revised, copies shall be provided to all parties and to all members of the public who have commented.



---

Sandra A. Stavnes, Director  
UIC/FIFRA/OPA Technical Enforcement Program  
Office of Enforcement, Compliance and Environmental Justice  
U.S. EPA, Region 8  
1595 Wynkoop Street  
Denver, CO 80202