



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 6  
1445 ROSS AVENUE, SUITE 1200  
DALLAS, TEXAS 75202-2733

SEP 24 2019

CERTIFIED MAIL-RETURN RECEIPT REQUESTED: 7015 1520 0003 3991 4167

Ms. Sheryl Deem  
Braden-Deem, Inc.  
P.O. Box 28244  
Scottsdale, AZ 85255

Re: Transmittal of Final Administrative Order  
Docket Number: SDWA-06-2019-1103

Dear Ms. Deem:

Enclosed is the proposed Administrative Order (Order) which was issued to Braden-Deem, Inc. on August 13, 2019. The Environmental Protection Agency (EPA) issued the proposed Order for violations of the Safe Drinking Water Act (SDWA). The violations were for failing to submit the annual operations reports for Well No. 6S for the reporting period of July 2017 through June 2018.

The EPA has received the above referenced annual operations report from Braden Deem. The EPA did not receive any public comments regarding the proposed Order, and you did not request a hearing. Therefore, the proposed Order is hereby made final. Along with making the proposed Order final, the EPA has determined that you are fully compliant with the order, and we are therefore closing it out.

The SDWA provides that you, or any person who commented on the proposed order, may file an appeal of the final order with the United States District Court for the District of Columbia or the district in which the violations occurred. Such appeal must be filed within 30 days after the final order is issued. If you file an appeal, you must simultaneously send a copy of the appeal by certified mail to the Administrator of the Environmental Protection Agency and to the U. S. Attorney General.

Re: Braden-Deem, Inc.  
SDWA-06-2019-1103

If you have any questions concerning this order, please contact Mr. Matthew Rudolph, of my staff, at 214-665-6434.

Sincerely yours,

A handwritten signature in black ink, appearing to be 'C. Seager', followed by a long horizontal line extending to the right.

Cheryl T. Seager, Director  
Compliance Assurance and  
Enforcement Division

Enclosure

cc w/enclosure:

Osage Nation Department of Environmental  
and Natural Resources  
BIA, Minerals Branch

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

In the Matter of Braden-Deem, Inc., Respondent  
Docket No. SDWA-06-2019-1103

FILED

2019 AUG 13 PM 1:00

REGIONAL PUBLIC HEALTH  
EPA REGION VI

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 Sections 1423(c) and 1445 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. Braden-Deem, Inc. ("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 violation 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 Southeast Quarter of Section 06, Township 24 North, Range 05 East, Osage County, Oklahoma, designated as Well Number 6S and EPA Inventory Number OS0086000 ("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. § 147.2909 provide that existing injection wells (wells authorized by the Bureau of Indian Affairs and constructed or completed on or before the effective date of the Osage UIC program) are authorized by rule (ABR). Owners or operators of wells authorized by rule must comply with provisions of 40 C.F.R. §§ 147.2903, 147.2905, 147.2907, and 147.2910 through 147.2915.

6. This well is authorized by rule in accordance with 40 C.F.R. § 147.2909.

7. Regulations at 40 C.F.R. § 147.2913 require the owner or operator of an ABR injection well to monitor injection rate and pressure monthly and to report monitoring results to the EPA annually.

8. Respondent has not submitted the annual operations report for the well for the periods of July 2017 through June 2018.

9. Therefore, Respondent violated regulations at 40 C.F.R. §§ 147.2909, 147.2913(b), by failing to submit the annual operations report for the well for the period of July 2017 through June 2018.

SECTION 1423(c) COMPLIANCE ORDER

10. 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 Respondent to submit the required annual operations report for the well for the period July 2017 through June 2018. The required report shall be submitted to the EPA at the address shown below within thirty (30) days after the effective date of a Final Order. The report form is included in Attachment A, which is incorporated herein by reference.

Matthew Rudolph (6ECDWE)  
U.S. Environmental Protection Agency  
1201 Elm Street, Suite 500  
Dallas, TX 75270-2102

NOTICE OF OPPORTUNITY TO REQUEST A HEARING

11. 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). Submit the hearing request to the Regional Hearing Clerk (R06-ORC); U.S. EPA, Region 6; 1201 Elm Street, Suite 500; Dallas, Texas 75270-2102 within thirty (30) days of the date of receipt of this Proposed Administrative Order.

12. A request for hearing should be included in any response to this Order. Respondent must file a response in order to preserve the right to a hearing or to pursue other relief.

SETTLEMENT

13. 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

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

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

16. 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).

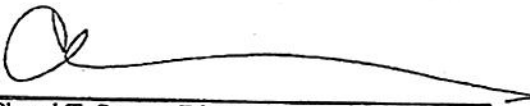
17. EPA encourages all parties against whom an administrative order is proposed to pursue the possibility of settlement through informal meetings with EPA. Regardless of whether a formal hearing is requested, Respondent may confer informally with EPA about the alleged violations. Respondent may wish 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.

18. If this action is settled without a formal hearing, it will be concluded by issuance of a Final Order.

EFFECTIVE DATE

19. 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).

August 13, 2019  
Date

  
Cheryl T. Seager, Director  
Enforcement and  
Compliance Assurance 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:

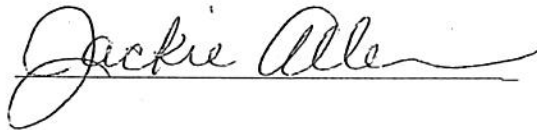
Original hand-delivered: Regional Hearing Clerk (R06-ORC)  
U.S. EPA, Region 6  
1201 Elm Street, Suite 500  
Dallas, TX 75270

Copy by certified mail  
return receipt requested: Ms. Sheryl Deem  
Braden-Deem Inc.  
P.O. Box 28244  
Scottsdale, AZ 85255

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

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

Dated:     AUG 13 2019    

  
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