Message

From: Gleason, Patricia [Gleason.Patricia@epa.gov]
Sent: 1/26/2021 8:25:54 PM
To: Dangelo, AJ [Dangelo.Aj@epa.gov]; Rowsey, Kevin [rowsey.kevin@epa.gov]; Bennett, James [bennett.james@epa.gov]; Okorn, Barbara [Okorn.Barbara@epa.gov]; Isales, Daniel [Isales.Daniel@epa.gov]; Bryant, Renee [bryant.renee@epa.gov]; Rectenwald, David [Rectenwald.Dave@epa.gov]
Subject: RE: Draft Email to Seneca Nation

Agree, good job Kevin!

From: Dangelo, AJ <Dangelo.Aj@epa.gov>
Sent: Tuesday, January 26, 2021 3:25 PM
To: Rowsey, Kevin <rowsey.kevin@epa.gov>; Bennett, James <bennett.james@epa.gov>; Okorn, Barbara <Okorn.Barbara@epa.gov>; Isales, Daniel <Isales.Daniel@epa.gov>; Bryant, Renee <bryant.renee@epa.gov>; Rectenwald, David <Rectenwald.Dave@epa.gov>; Gleason, Patricia <Gleason.Patricia@epa.gov>
Subject: RE: Draft Email to Seneca Nation

Kevin:

Looks good . . . now breathe easy !

Sincerely,

A.J. D'Angelo

A.J. D'Angelo
Senior Assistant Regional Counsel
Air & Toxics Branch
Office of Regional Counsel (3RC30)
U.S. EPA, Region III
1650 Arch Street
Philadelphia, PA 19103-2029
Tel. (215) 814-2480
e-mail: dangelo.aj@epa.gov

THIS TRANSMISSION MAY CONTAIN DELIBERATIVE, ATTORNEY-CLIENT, ATTORNEY WORK PRODUCT OR OTHERWISE PRIVILEGED MATERIAL. DO NOT RELEASE WITHOUT APPROPRIATE REVIEW. IF THIS MESSAGE HAS BEEN RECEIVED BY YOU IN ERROR, YOU ARE INSTRUCTED TO DELETE THIS MESSAGE FROM YOUR MACHINE AND ALL STORAGE MEDIA, WHETHER ELECTRONIC OR HARD COPY.

From: Rowsey, Kevin <rowsey.kevin@epa.gov>
Sent: Tuesday, January 26, 2021 3:24 PM
To: Bennett, James <bennett.james@epa.gov>; Dangelo, AJ <Dangelo.Aj@epa.gov>; Okorn, Barbara <Okorn.Barbara@epa.gov>; Isales, Daniel <Isales.Daniel@epa.gov>; Bryant, Renee <bryant.renee@epa.gov>; Rectenwald, David <Rectenwald.Dave@epa.gov>; Gleason, Patricia <Gleason.Patricia@epa.gov>
Subject: RE: Draft Email to Seneca Nation

Okay, I incorporated everyone's comments into my original draft. If no one has any objections, I will send it to Mr. Redeye this afternoon.

The final product...

Dear Mr. Redeye,

Thank you for reaching out to me regarding the proposed Roulette Oil & Gas Underground Injection Control (UIC) Class II injection well.

Please pardon this informal correspondence, but I thought it important to respond to you promptly in order to provide you with some relevant background information as to why the U.S. EPA Region 3, did not, itself seek to initiate formal consultation with the Seneca Nation of Indians in this matter.

It is my understanding that EPA Regions 2 and 3 initially and jointly consulted with the Seneca Nation in September 2018. Our discussions then focused upon surface water (NPDES, etc.) issues in response to the Nation' s expressed concerns about oil and gas waste water discharges into the Allegany River near Coudersport. At the time of those initial 2018 discussions, UIC matters were not a part of the EPA Water Division, but were then a part of the EPA enforcement program. As a result, UIC issues were not addressed during our initial discussions with the Nation and the Region 3 UIC Program was not aware of the Nation's UIC concerns.

Moving forward, please be assured of EPA's commitment to better coordinate with the Nation to address relevant drinking water and surface water matters of concern to the Nation. Along those lines, I wanted to make sure you are aware of EPA's intention to host a virtual public hearing for this particular proposed UIC permit and has solicited comments from the public. You are certainly invited, and strongly encouraged to participate in that public hearing and to submit any written comments you may have. I've listed the call-in information and instructions on how to participate in the Public Hearing below:

Call-in Number: (866) 609-3139 Tuesday, February 2, 2021 6:00-8:00 PM EST

There is no need to register for the virtual hearing. You may call 15 minutes in advance of the start time during the session to listen to the hearing. During the hearing, callers will receive instructions on how to join the queue to make a comment. The operator will call on people to deliver their oral comments. The virtual hearing is an audio-only teleconference. Participants who want to supply written or printed materials, should do so via email to rowsey.kevin@epa.gov.

The draft permit, statement of basis for the draft permit, and all permit application materials have been posted on EPA's website at https://www.epa.gov/pa/epa-public-notices-pennsylvania. I have also attached the Public Notice for the draft permit to this email for your review.

I also wanted to try to ease some of your potential concerns about the proposed injection well.

The proposed injection project is a UIC Class II injection well. The United States Code of Federal Regulations classify Class II injection wells as those wells that are used only to inject fluids associated with oil and natural gas production. This particular well will be used for the disposal of brine that's been brought to the surface during Roulette's conventional oil and gas production. I want to make it clear that unconventional fluids, such as those fluids produced in association with Marcellus and Utica shale development, will not be injected. I also wanted to make sure that you were correctly informed that, unlike surface waters, which can cross regional boundaries, injection wells are stationary entities.

Additionally, I wanted to touch on the topic of any potential contamination at or near the headwaters of the Allegany River. In that respect, please be advised that, as part of the UIC application process, each permit applicant must identify all surface bodies of water and all springs within a ½-mile of the wellbore. Within this radius, Roulette identified two intermittent stream drainages and no perennial streams or permanent steams that exist year-round. The only spring that exists is further than ½-mile from the wellbore. Moreover, injection

in this well will take place at depths approximately 1,490 to 1,833 feet below ground surface and does not pose a risk to contaminating any surface water bodies. The only contamination that could happen at the surface would be a surface spill of brine. However, even in that unlikely event, it is highly improbably that any such spill would make its way to any one of the headwaters of the Allegany River.

EPA would like to extend an opportunity to speak about these matters further and to discuss any additional concerns the Seneca Nation may have. If you'd like to have a meeting prior to the public hearing next Tuesday, the UIC Program in Region 3 is certainly amenable to that. I've listed a few times that we're available in the next few days for a discussion if you'd like to have one. I've listed those times below:

Thursday, January 28, 2021	1:00 – 2:00 PM EST
Friday, January 29, 2021	11:00 – 12:00 PM EST
Monday, February 1, 2021	10:00 – 11:00 PM EST

Please let me know if you'd like to meet at one of these times and I'll set up a meeting using Microsoft Teams.

I look forward to hearing from you.

Respectfully,

Kevin Rowsey
Source Water & UIC Section
Water Division
U.S. EPA Region III
1650 Arch Street
Philadelphia, PA 19103
Phone: 215.814.5463

From: Bennett, James <bennett.james@epa.gov>
Sent: Tuesday, January 26, 2021 3:11 PM
To: Dangelo, AJ <Dangelo.Aj@epa.gov>; Rowsey, Kevin <rowsey.kevin@epa.gov>; Okorn, Barbara <Okorn.Barbara@epa.gov>; Isales, Daniel <Isales.Daniel@epa.gov>; Bryant, Renee <bryant.renee@epa.gov>; Rectenwald, David <Rectenwald.Dave@epa.gov>; Gleason, Patricia <Gleason.Patricia@epa.gov>
Subject: RE: Draft Email to Seneca Nation

Thank you all for the thoughtful comments
Kevin feel free to send the edited version

James C. Bennett Jr., Section Chief
Drinking Water & Source Water Protection Branch
Source Water & UIC Section
1650 Arch Street
Philadelphia PA, 19103
Mail Code: 3WD22
215-814-5469

From: Dangelo, AJ <Dangelo.Aj@epa.gov>
Sent: Tuesday, January 26, 2021 3:09 PM
To: Rowsey, Kevin <rowsey.kevin@epa.gov>; Okorn, Barbara <Okorn.Barbara@epa.gov>; Bennett, James <bennett.james@epa.gov>; Isales, Daniel <Isales.Daniel@epa.gov>; Bryant, Renee <bryant.renee@epa.gov>; Rectenwald, David <Rectenwald.Dave@epa.gov>; Gleason, Patricia <Gleason.Patricia@epa.gov>
Subject: RE: Draft Email to Seneca Nation

Folks:

I did a little bit of editing and some shuffling of the information in Kevin's original draft. See how this works:

Dear Mr. Redeye,

Thank you for reaching out to me regarding the proposed Roulette Oil & Gas Underground Injection Control (UIC) Class II injection well.

Please pardon this informal correspondence, but I thought it important to respond to you promptly in order to provide you with some relevant background information as to why the U.S. EPA Region 3, did not, itself seek to initiate formal consultation with the Seneca Nation of Indians in this matter.

It is my understanding that EPA Regions 2 and 3 initially and jointly consulted with the Seneca Nation in September 2018. Our discussions then focused upon surface water (NPDES, etc.) issues in response to the Nation' s expressed concerns about oil and gas waste water discharges into the Allegany River near Coudersport. At the time of those initial 2018 discussions, UIC matters were not a part of the EPA Water Division, but were then a part of the EPA enforcement program. As a result, UIC issues were not addressed during our initial discussions with the Nation and the Region 3 UIC Program was not aware of the Nation's UIC concerns.

Moving forward, please be assured of EPA's commitment to better coordinate with the Nation to address relevant drinking water and surface water matters of concern to the Nation. Along those lines, I wanted to make sure you are aware of EPA's intention to host a virtual public hearing for this particular proposed UIC permit and has solicited comments from the public. You are certainly invited, and strongly encouraged to participate in that public hearing and to submit any written comments you may have. I've listed the call-in information and instructions on how to participate in the Public Hearing below:

Call-in Number: (866) 609-3139 Tuesday, February 2, 2021 6:00-8:00 PM EST

There is no need to register for the virtual hearing. You may call 15 minutes in advance of the start time during the session to listen to the hearing. During the hearing, callers will receive instructions on how to join the queue to make a comment. The operator will call on people to deliver their oral comments. The virtual hearing is an audio-only teleconference. Participants who want to supply written or printed materials, should do so via email to rowsey.kevin@epa.gov.

The draft permit, statement of basis for the draft permit, and all permit application materials have been posted on EPA's website at https://www.epa.gov/pa/epa-public-notices-pennsylvania. I have also attached the Public Notice for this draft permit to this email for your review.

I also wanted to try to ease some of your potential concerns about the proposed injection well.

The proposed injection project is a UIC Class II injection well. The United States Code of Federal Regulations classify Class II injection wells as those wells that are used only to inject fluids associated with oil and natural

gas production. This particular well will be used for the disposal of brine that has been brought to the surface during conventional oil and gas production. I want to make it clear that unconventional fluids (those related to hydrofracturing or "fracking") will not be injected. Furthermore, only fluids produced from Roulette's oil and gas operations will be injected. I also wanted to make sure that you were correctly informed that, unlike surface waters, which can cross regional boundaries, injection wells are stationary entities.

I additionally wanted to touch on the topic of any potential contamination at or near the headwaters of the Allegany River. In that respect, please be advised that, as part of the UIC application process, each permit applicant must identify all surface bodies of water and all springs within a ½-mile of the wellbore. Within this radius, Roulette has identified two intermittent stream drainages and no perennial streams or permanent steams that exist year-round. The only spring that exists is further than 1/2-mile from the wellbore. Moreover, injection in this well will take place at depths approximately 1,490 to 1,833 feet below ground surface and does not pose a risk to contaminating any surface water bodies. The only contamination that could happen at the surface would be a surface spill of brine. However, even in that unlikely event, it is highly improbable that any such spill would make it's way to any one of the headwaters of the Allegany River.

EPA would like to extend an opportunity to speak about these matters further and to discuss any additional concerns the Seneca Nation may have. If you'd like to have a meeting prior to the public hearing next Tuesday, the UIC Program in Region 3 is certainly amenable to that. I've listed a few times that we're available in the next few days for a discussion if you'd like to have one. I've listed those times below:

Thursday, January 28, 2021	1:00 – 2:00 PM EST
Friday, January 29, 2021	11:00 – 12:00 PM EST
Monday, February 1, 2021	10:00 – 11:00 PM EST

Please let me know if you'd like to meet at one of these times and I'll set up a meeting using Microsoft Teams.

I look forward to hearing from you.

Respectfully,

Sincerely,

A.J. D'Angelo

A.J. D'Angelo
Senior Assistant Regional Counsel
Air & Toxics Branch
Office of Regional Counsel (3RC30)
U.S. EPA, Region III
1650 Arch Street
Philadelphia, PA 19103-2029
Tel. (215) 814-2480
e-mail: dangelo.aj@epa.gov

THIS TRANSMISSION MAY CONTAIN DELIBERATIVE, ATTORNEY-CLIENT, ATTORNEY WORK PRODUCT OR OTHERWISE PRIVILEGED MATERIAL. DO NOT RELEASE WITHOUT APPROPRIATE REVIEW. IF THIS MESSAGE HAS BEEN RECEIVED BY YOU IN ERROR, YOU ARE INSTRUCTED TO DELETE THIS MESSAGE FROM YOUR MACHINE AND ALL STORAGE MEDIA, WHETHER ELECTRONIC OR HARD COPY.

From: Rowsey, Kevin <rowsey.kevin@epa.gov>
Sent: Tuesday, January 26, 2021 2:12 PM
To: Okorn, Barbara <Okorn.Barbara@epa.gov>; Bennett, James <bennett.james@epa.gov>; Dangelo, AJ <Dangelo.Aj@epa.gov>; Isales, Daniel <Isales.Daniel@epa.gov>; Bryant, Renee <bryant.renee@epa.gov>; Rectenwald, David <Rectenwald.Dave@epa.gov>; Gleason, Patricia <Gleason.Patricia@epa.gov>
Subject: Draft Email to Seneca Nation

All, below is what I have so far. I tried to incorporate Grant's information regarding the coordination of R2 & R3's Water Divisions. Please make any changes you see fit.

Dear Mr. Redeye,

Thank you for reaching out to me regarding the proposed Roulette Oil & Gas Underground Injection Control (UIC) Class II injection well.

Firstly, I just wanted to give a little bit of background information on why the U.S. EPA Region 3, to date, has not conducted a formal consultation with the Seneca Nation of Indians by mentioning the following:

- When R2 and R3 jointly consulted with the Seneca Nation in September 2018, the Nation requested better notification and communication on R3 surface water related matters. EPA agreed to provide this. Our discussion at that time focused mainly on surface water (NPDES, etc.) because of the Nation' s oil and gas waste water discharge concern into the Allegany River near Coudersport.
- In 2019, all regions reorganized and the UIC program (which was formally in the enforcement program) was moved to the Water Division. So inclusion of UIC matters was not considered back in 2018 in our initial discussions with the nation.
- Region 2 and Region 3 were not aware of this UIC issue since the regional programs tend not to coordinate on shared issues (drinking water vs surface water). Unlike surface waters, which can cross regional boundaries, injection wells are stationary entities. Moving forward, better coordination with regard to drinking water and surface water matters by EPA will occur

Additionally, EPA intends on hosting a virtual public hearing for this proposed permit. I've listed the call-in information and instructions on how to participate in the Public Hearing below:

Call-in Number: (866) 609-3139 Tuesday, February 2, 2021 6:00-8:00 PM EST

There is no need to register for the virtual hearing. You may call 15 minutes in advance of the start time during the session to listen to the hearing. During the hearing, callers will receive instructions on how to join the queue to make a comment. The operator will call on people to deliver their oral comments. The virtual hearing is an audio-only teleconference. Participants who want to supply written or printed materials, should do so via email to rowsey.kevin@epa.gov.

The draft permit, statement of basis for the draft permit, and all permit application materials have been posted on EPA's website at https://www.epa.gov/pa/epa-public-notices-pennsylvania. I have also attached the Public Notice for this draft permit to this email for your review.

Lastly, I wanted to try to ease some of your concerns in regards to the proposed injection well. The proposed injection project is a UIC Class II injection well. The United States Code of Federal Regulations classify Class II injection wells as those wells that are used only to inject fluids associated with oil and natural gas production. This particular well will be used for the disposal of brine that's been brought to the surface during conventional

oil and gas production. I want to make it clear that unconventional fluids (those related to hydrofracturing or "fracking") will not be injected. Furthermore, only fluids produced from Roulette's oil and gas operations will be injected.

I also wanted to touch on the topic of contamination of the headwaters of the Allegany River. As part of the UIC application process, the applicant must identify all surface bodies of water and all springs within a ½-mile of the wellbore. Within this radius, Roulette identified two intermittent stream drainages and no perennial streams or permanent steams that exist year-round. The only spring that exists is further than 1/2-mile from the wellbore. Moreover, injection in this well will take place at depths approximately 1,490 to 1,833 feet below ground surface and does not pose a risk to contaminating any surface water bodies. The only contamination that could happen at the surface would be a surface spill of brine. However, even with that, it's unlikely that a spill would make it's way to the one of the headwaters of the Allegany River.

EPA would like to extend an opportunity to speak about these matters further and to discuss any additional concerns the Seneca Nation may have. If you'd like to have a meeting prior to the public hearing next Tuesday, the UIC Program in Region 3 is certainly amenable to that. I've listed a few times that we're available in the next few days for a discussion if you'd like to have one. I've listed those times below:

Thursday, January 28, 2021	1:00 – 2:00 PM EST
Friday, January 29, 2021	11:00 – 12:00 PM EST
Monday, February 1, 2021	10:00 – 11:00 PM EST

Please let me know if you'd like to meet at one of these times and I'll set up a meeting using Microsoft Teams.

I look forward to hearing from you.

Respectfully,

Kevin Rowsey
Source Water & UIC Section
Water Division
U.S. EPA Region III
1650 Arch Street
Philadelphia, PA 19103
Phone: 215.814.5463