Message

From: McGuigan, David [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=C088500566BD4BCCBF37B91ED9A8CC3C-DMCGUIGA]
Sent: 2/1/2021 2:14:15 PM
To: Catherine Libertz (Libertz.Catherine@epa.gov) [Libertz.Catherine@epa.gov]; Blankenbiller, Catheryn [Blankenbiller.Catheryn@epa.gov]
CC: Bennett, James [bennett.james@epa.gov]
Subject: FW: Seneca Nation

Nonresponsive based on revised scope

From: Bennett, James <bennett.james@epa.gov>
Sent: Monday, February 1, 2021 9:12 AM
To: McGuigan, David <McGuigan.David@epa.gov>
Subject: Seneca Nation

Region 3 and Region 2 met with the Seneca Nation on Friday 1/29/20. The Seneca Nation expressed concerns over both the proposed UIC draft permit and Region 3s lack of coordination with the Seneca Nation on this project. Region 3 presented an overview of the UIC program, why EPA is the permitting authority in Pennsylvania, and specifics related to the Roulette permit. An summary of the issues and responses from the call is included below:

1. They learned of the permit action from a social media post a week prior to when comments were due.
    a. During the call, Jim Bennett explained EPA will be extending the public comment period an additional 30 days in addition to entering the formal consultation process with Seneca Nation. They were pleased with this flexibility.
2. Concerns over what is in the waste being injected.
    a. Region 3 explained the analysis of the fluid is included in the permit application and would share the information with the Seneca Nation.
3. Concerns on what wells will be bring fluid to the well.
    a. Region 3 explained the injected fluid will be limited to Roulette's production wells and will not be a commercial well.
4. Concerns over Region 3's approach to consultation, including not only considering Allegheny River but also Ancestral Lands that extend into Pennsylvania.
    a. The Seneca Nation agreed to provide a map showing the outlines of areas of interest for the tribe.
5. Concerns over the process of checks and balances when reviewing UIC permits.
    a. EPA explained the permit application is reviewed by Regional permit writers and the documents for consideration in issuing the permit is in the administrative record. Region 3 agreed to share this record with the Seneca Nation.
6. Interest in revisiting the 2018 effort to establish a MOA between Region 3, Region 2, and the Seneca Nation for keeping the Seneca informed. This effort did not consider Safe Drinking Water Act programs and should be expanded to include these activities.
    a. Region 2 took the lead on answering this question and committed to revisiting this process and including the Safe Drinking Water Act.

The public hearing is scheduled for tomorrow night from 6-8 pm, during this hearing the Region will be announcing the extension of the public notice period. The UIC section is drafting a letter for entering formal consultation for RA signature which will be circulated this week.

The UIC section has two additional permit applications in review, both permits most likely will be in an area of interest to the tribe. The program will provide initial information about these two projects to the environmental Director of the Seneca Nation asking their interest in consultation. If they have interest in these projects, the UIC program will draft formal consultation letters for the projects. These letters will be shared with the tribe prior to public noticing the permits.

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