

US EPA ARCHIVE DOCUMENT

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION II
290 Broadway, 20th Floor
New York, New York 10007-1866

**NOTICE OF FORMULATION OF DRAFT UIC PERMIT
AND
NOTICE OF PUBLIC COMMENT PERIOD OF DRAFT PERMIT**

Public Notice No. 2016-06
Application No. **NYU119401**

Date: November 13, 2015

National Fuel Gas Supply Corporation, 6363 Main Street, Williamsville, New York 14221 has applied to the U.S. Environmental Protection Agency (EPA) under the provisions of the Safe Drinking Water Act, 42 U.S.C. 300f et. seq (the Act), for a new Underground Injection Control (UIC) permit to continue the operation of its Class IID disposal well, the SC-546, with conditions as set forth herein. The well is located at approximately 42.08574 north latitude and -77.81721 west longitude on Hallsport - Independence Road, Andover, New York. The existing permit expired on May 13, 2014 but was administratively continued. The draft permit incorporates the same operating, monitoring and reporting requirements as the existing permit except as noted below:

1. Part I Section E.9.a and b have been modified to reduce the retention time for certain records from five years to three years to mirror the regulatory requirements at 40 C.F.R. §144.51(j)(2)(i).
2. Part I Section E.12.j. has been added detailing report submittal procedures.
3. Part I Section G.4 has been revised to establish a deadline of 180 days after the date a loss of mechanical integrity has been detected to either properly plug and abandon the well or repair and re-test the well to demonstrate that mechanical integrity has been restored.
4. Part I Section K has been revised to incorporate recent regulatory changes concerning permit appeal procedures at 40 C.F.R. §124.19.
5. Part II Section B.4. has been modified to replace the reference to a specific list of wells from which brine is permitted to be injected with a provision that the Permittee is permitted to inject brine produced from wells:
 - a. owned and/or operated by Permittee,
 - b. utilized for gas storage activities in the Beech Hill and Independence storage fields and
 - c. completed in the Oriskany Formation.
6. Corrected Part II Section C to include a requirement that, once per calendar year, a sample of the brine to be injected must be collected and analyzed for EPA Priority Pollutants, Total Organic Carbon, Total Organic Halogens, pH and Conductivity. This requirement had been included in the permit issued in 1994 but was inadvertently omitted when the permit was reissued in 2004.
7. Part II Sections E (plugging and abandonment requirements) and F (financial responsibility requirements) of the existing permit have been eliminated as they are redundant; plugging and abandonment requirements are detailed in Part I Section F and financial responsibility requirements are detailed in Part I Section H.

Produced water will continue to be injected into the Oriskany Sandstone which lies at an approximate depth of 4,678 feet below the surface. Injection pressure, measured at the surface, shall not exceed a maximum of 10 psig.

This notice is being given to inform the public that EPA has prepared a draft permit, and to solicit public comment. The permit contains standards, prohibitions and other conditions necessary to carry out the provisions of the Act. Should there be significant interest displayed by written public comment, a Presiding Officer shall conduct a public hearing on the above-identified draft permit. The purpose of this public hearing will be to receive comments from interested parties and the public on the draft permit prepared by EPA. Notification of the Hearing will be published in advance so that all interested parties may participate. Once all public comments are submitted and a public hearing, if necessary, is held, the Director of the Division of Enforcement and Compliance Assistance of EPA Region II will make a final decision on whether or not to issue a permit and if issued the applicant will be required to comply with all conditions of the permit.

Written comments must be submitted within 30 days of the date of this notice (no later than December 14, 2015) to the following address:

Douglas McKenna, Chief
Water Compliance Branch
U.S. Environmental Protection Agency, Region II
290 Broadway, 20th Floor
New York, New York 10007-1866

All information submitted by the applicant is available as part of the administrative record, subject to provisions of law restricting the public disclosure of confidential information. The administrative record for the draft permit can be inspected at any time between 8:30 am and 4:00 pm. It is recommended that you contact EPA at region2_uic@epa.gov to schedule a date and time to review the administrative record to allow time for EPA to make the necessary arrangements for your visit. Copies of documents comprising the administrative record can be obtained by submitting a Freedom of Information Act (FOIA) request online at <https://foiaonline.regulations.gov/foia/action/public/home> or by mailing a request to:

Freedom of Information Officer
U.S. EPA Region 2
290 Broadway, 26th Floor
New York NY 10007-1866

Please note that, pursuant to 40 C.F.R. Part 2, fees may apply to FOIA requests.

Dore LaPosta
Director
Division of Enforcement and Compliance Assistance