



March 12, 2013

James Martin, Chief  
Office of Oil & Gas  
WV Department of Environmental Protection  
601 57th Street  
Charleston, WV 25304

RE: **Renewal of UIC Permit: UIC2D0190460**  
Applicant: Danny E. Webb Construction, Inc.  
Activity: subsurface discharge of approved fluids.

## **OBJECTION AND REQUEST FOR PUBLIC HEARING**

Dear Mr. Martin,

As you are well aware WV Highlands Conservancy (WVHC) has members throughout the state of West Virginia, including Fayette County, who have been and continue to be concerned about the administration and enforcement of the WV regulatory program for Oil and Gas operations and facilities in our communities.

Members of the WVHC Board of Directors have read Plateau Action Network (PAN) objections to renewal of the Class II Underground Injection (UIC) permit for Danny E. Webb Construction, Inc. (UIC2D0190460) and the group's formal request for a public hearing on the proposal.

As detailed by PAN in the groups comment letter concerning UIC2D0190460 and elaborated on in a March 6, 2013 article in the Fayette Tribune newspaper, circumstances specific to this site and to this individual operator are not only compelling enough for WVHC to join in objecting to the renewal of this permit, but also alarming enough to call into question the current strength and reliability of the UIC program for regulating the injection of fluids normally associated with oil or natural gas production.

Therefore:

- 1) Based on concerns of WVHC members across the state who are seeing increased gas well drilling activity in their communities and know of the growing need for proper disposal of the waste liquids and brines that result from that drilling, WVHC strongly objects to renewing this particular permit which appears to be a very real threat to the ground and surface waters in the area and to the health and wellbeing of nearby

residents who use and depend on those waters. As such it is the very embodiment of what our members fear might happen in their communities and what we urgently need to prevent.

2) We also request a public hearing. And urge that the hearing not only give an opportunity for the community to express their concerns about this permit, but also to allow time for dialogue between the public and the agency, i.e. to allow time for questions from the public – AND EVEN MORE IMPORTANTLY ANSWERS from agency representatives at the hearing.

We need to know how the agency will assure cleanup at this site and safe disposal and containment of fluids being injected at similar UIC wells in other communities. The agency must give reliable assurances to this community and others that their health and the waters they use and enjoy will not be harmed. The blatant disregard for legal requirements by operators of this site are reason enough to deny renewal, but conditions here also serve to highlight the need for further attention to similar disposal wells that may not be getting the scrutiny they deserve. We need to know how the general practices and enforcement of the UIC program as administered by the WVDEP Office of Oil and Gas is and will continue to protect communities where the use of disposal wells is increasing, especially where drilling and hydraulic fracturing to produce gas from tight shale formations requires management of millions of gallons of polluted waste water those operations produce.

3) WVHC would also like to reiterate a request I made in an email exchange with your office in early December 2012 – i.e. we would like these Class II UIC permit applications to be included in the Office of Oil and Gas email notifications via the WV DEP public notice email lists.

While we fully realize the law only *requires* a one-time Class 1 newspaper notification for these Class II UIC permits the WVDEP (WV Department of Environmental Protection) has gone the extra mile in establishing email notifications for other permits (OMR, HPU, etc) and we see no reason not to include these Class II notifications.

Thank you for the opportunity to comment. Please send any response to our comments and any notice of a time and place for the public hearing to me at the address below.

Respectfully,

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