

WEST VIRGINIA: Wastewater injector gets new permit despite violations *(Monday, February 10, 2014)*

Gayathri Vaidyanathan, E&E reporter

West Virginia has given great leeway to Danny E. Webb Construction Inc., a company that injects fracking wastewater into disposal wells for oil and gas companies.

The company injected wastewater into its wells without a valid permit for more than a year, according to documents from the state Department of Environmental Protection. Despite the violation of state and federal law, the DEP took no action and, without repercussions, issued a new permit to the company for one of its wells last week. A second well operated by the company still does not have a permit.

The DEP did not comment on its actions despite repeated requests by *EnergyWire*. Danny Webb did not return *EnergyWire's* request for comment, either.

Danny Webb, which operates in Lochgelly, Fayette County, has a history of safety violations, some of which have been documented previously by *EnergyWire* ([EnergyWire](#), March 26, 2013). In 2004, residents near the facility smelled poisonous hydrogen sulfide gas wafting from an open pit at the facility. The DEP ordered Danny Webb to stop receiving brine from the offending oil company, but Danny Webb did not comply till 2007.

Other violations included the absence of secondary containments in case there are leaks.

The DEP said in March 2013 that Danny Webb had fixed its violations, which was why it was allowed to operate in the state.

But even at the time, the company was earning a new violation. The company's permit for its North Hills #1A well expired in November 2012, but it continued injecting wastewater more than a year later. In December 2013 alone, it received 7,927 barrels of wastewater, which added to a total of 348,355 barrels injected over the lifetime of the well.

That well's operation continues today even though the company has not yet applied for a permit renewal, according to DEP records.

The company's permit for its North Hills #1 well expired in October 2012, but the company injected wastewater until April 2013, injection records show. The DEP renewed the permit only last week.

Under West Virginia law, a company with an expired permit can continue to operate only if it applies for renewal before expiration. Danny Webb did not do this in the case of either well. In effect, this means the company was operating without a permit, wrote Matthew McFeely, an

attorney with the Natural Resources Defense Council (NRDC), in a letter to the DEP in early January.

Residents and local government officials have expressed concern about Danny Webb's operations. On Feb. 6, the Fayette County Commission wrote to DEP that though the agency had promised them action, none had been taken so far.

"This matter has justifiably caused great concern among the citizens of Fayette county," the commissioners wrote. "Those concerns are further exacerbated by the unknown reasons for the permit delay, meanwhile, the operator, Mr. Danny Webb has been allowed to continue to dispose of unknown fracking fluids out of compliance and operating under permits out of date and expired."

The commission requested that DEP officials attend a county meeting to discuss the lack of action regarding Danny Webb.

"Never has there been such a public lack of confidence in the agency entrusted to insure the public's safety, protect our fragile environment and administer the laws of West Virginia," they wrote.

The DEP has not learned from the Freedom Industries Inc. incident where toxic chemicals leaked into the Elk River and contaminated drinking water supplies, said Amy Mall, senior policy analyst with NRDC.

"This waste can be very toxic, and the site in question is located near an important water source and people's homes," she said. "It's as if nothing was learned from the Freedom Industries disaster. When is the state's DEP going to start putting people's drinking water and health first?"

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