

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

**NOTICE OF MAJOR PERMIT MODIFICATION, FORMULATION OF DRAFT
MODIFIED UIC PERMIT AND
NOTICE OF PUBLIC COMMENT PERIOD OF DRAFT MODIFIED PERMIT**

Public Notice No. 2017-13
Application No. **NYU119922**

Date: March 29, 2017

Simon of Bolivar, Inc. ("Simon"), 1140 State Route 44 South, Shinglehouse, PA 16748 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 major modification of its Underground Injection Control (UIC) permit authorizing the injection of fluids into one (1) Class IIR enhanced oil recovery injection well, the Wheeler 88, located at the Wheeler Lease at approximately 42.008350 north latitude and 78.175010 west longitude, Horse Run Road, Bolivar, NY. By letter dated December 20, 2016, Simon requested that the permit be modified to authorize construction and operation of two new injection wells, the Wheeler 54A and Wheeler 55A (collectively "New Wells").

EPA has prepared a draft modified permit. The draft modified permit specifies conditions for the construction of the New Wells as well as the operation, monitoring, reporting and plugging and abandonment of the three injection wells. The draft modified permit incorporates the same operating, reporting and monitoring requirements as are in the existing permit except as noted below:

1. Page 1 has been modified to also authorize construction and operation of the New Wells.
2. A new Part I Section F has been added to the permit authorizing construction of the New Wells at specific locations and in compliance with the requirements at Part II Section A of the permit. In addition, should any sites or artifacts of historic significance be discovered during any construction activities authorized by this permit, all construction activities that may impact the site or artifacts must immediately cease and may not resume without the written authorization of the Director. Subsequent sections of Part I have been re-lettered Sections G through M.
3. Part I Section G (Commencing Injection) has been modified to incorporate requirements that must be satisfied prior to initiating injection into the New Wells.

4. Part I Section L (Appeal of Permit) has been modified to incorporate changes to the applicable regulatory requirements at 40 Code of Federal Regulations (C.F.R.) § 124.19.
5. Part II Section A has been modified as follows:
 - a. New Section A.2 (Records and Logging) has been added specifying the monitoring and logging requirements applicable to construction of the New Wells.
 - b. New Section A.3 (Well Completion Report) has been added specifying the data and information that must be submitted to EPA for review and approval prior to EPA granting authorization to initiate injection into the New Wells. Subsequent sections have been re-numbered.
 - c. Part II Section A.4 (Casing and Cementing) has been modified to incorporate casing and cementing requirements for the New Wells.
 - d. Part II Section A.5 (Mechanical Integrity) has been modified to incorporate the mechanical integrity testing requirements for the New Wells.
6. Part II Section B.1 has been modified to identify the injection zone as the Bradford Oil Sands, adjust the approximate thickness of the injection zone and adjust the approximate depth the Bradford Oil Sands are expected to be encountered in the New Wells. The prior permit limited injection to the Bradford 3rd Sand.
7. Part II Section B.4 has been modified to specify that the maximum injection volume of 45 barrels per day is the volume limit per well.

This notice is being given to inform the public that EPA has prepared the draft modified permit, and to solicit public comment. Pursuant to 40 C.F.R. § 124.5(c)(2) only the proposed modifications listed above are open for public review and comment. The draft modified 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 modified permit. The purpose of this public hearing will be to receive comments from interested parties and the public on the draft modified 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 the modified permit and if issued the applicant will be required to comply with all conditions of the modified permit.

Written comments must be submitted within 30 days of the date of this notice (no later than April 28, 2017) to the following address:

Nicole Foley Kraft, Acting Chief
Water Compliance Branch
U.S. Environmental Protection Agency, Region II

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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 (with the exception of material readily available at EPA Region II, or published material which is generally available) is on file at the Water Compliance Branch, at the address listed above.

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/request/publicPreCreate>

Kathleen Anderson
Acting Director
Division of Enforcement and Compliance Assistance