



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029**

Response to Comments
for
The Issuance of an Underground Injection Control (UIC) Permit
for
EXCO Resources (PA), LLC

On December 6, 2019, the U.S. Environmental Protection Agency Region III (EPA or the Region) issued a public notice requesting comment and announcing the opportunity for a public hearing for the proposed reissuance of an Underground Injection Control (UIC) permit, PAS2D902BCLE, to EXCO Resources (EXCO) for one Class II-D underground injection well. A tentative public hearing was scheduled for January 7, 2020 at the Curwensville School Auditorium in Curwensville, Pennsylvania. However, no requests were made for a hearing, which demonstrated a lack of public interest to hold a hearing. In total, EPA received one verbal comment and the commenter did not request a hearing. During the public comment period, all the information submitted by the applicant was available for review at the Curwensville Public Library located at 61 Beech Street in Curwensville, Pennsylvania and at the EPA regional office in Philadelphia.

The following responds to the one comment received:

- 1) The injection activity may compromise my natural gas well.

The UIC Program was established to protect Underground Sources of Drinking Water (USDW) from underground injection activity. Without certain precautions, abandoned wells near an injection well can pose a risk to USDWs by providing a conduit for the migration of fluid out of an injection zone. Therefore, the UIC regulations and the permit impose certain requirements on an injection well operator to protect USDWs from that risk. Specifically, the operator is required to determine whether any abandoned wells exist within a specified area, calculated and defined as the Area of Review (AOR) around the proposed well, which could pose a threat to USDWs. If abandoned wells are found within a one-quarter mile AOR, then the permittee must either perform corrective action, which requires plugging those wells, or use other wells in the same vicinity for monitoring the injection formation during operation.

The AOR for the EXCO injection well is the ¼-mile fixed radius described in the UIC regulations at 40 C.F.R. § 146.6(b). The applicant is not only required to report abandoned wells in the AOR but *all* wells noting their name, location, depth, type (E.g. production, injection, gas, oil, etc.), date the well was drilled, construction details, and a record of well completion and plugging (if applicable). EXCO only identified one other well in the AOR in addition to the injection well. This well was never produced and was plugged and abandoned in October 1987.



In addition, the UIC Program only regulates injection wells in the Commonwealth of Pennsylvania and does not have the authority to regulate production wells. The Pennsylvania Department of Environmental Protection regulates production activities in the commonwealth.

In regard to the one comment made about a gas well outside of the AOR for the injection well, the commenter was concerned that the injection activity would cause fluid to enter the wellbore and inhibit the production of gas as well as the subsequent cost that would be incurred from “swabbing” the well or unloading liquid from the production tubing to initiate flow from the reservoir.

The domestic gas well is located outside the AOR, therefore would not be considered to act as a conduit for fluid migration into a USDW.

Federal Underground Injection Control Program Permit Appeals Procedures

The provisions governing procedures for the appeal of an EPA UIC permit are specified at 40 C.F.R. Part 124.19 (Please note that changes to this regulation became effective on March 26, 2013. See 78 Federal Register 5281, Friday, January 25, 2013.) Any person who commented on the draft permit can appeal the final permit by filing a written petition for review with the Clerk of the EPA Environmental Appeals Board (EAB).

A petition for review must be filed within thirty (30) days of the date of the notice announcing EPA’s permit decision. This means that the EAB must receive the petition within 30 days. (Petitioners receiving notice of the final permit by mail have 3 additional days in accordance with 40 C.F.R. 124.20(d).) The petition for review can be filed by regular mail sent to the address listed below with a copy sent to EPA Region III at the address listed below.

Environmental Appeals Board
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue N.W.
Mail Code 1103M
Washington, DC 20460-0001

U.S. Environmental Protection Agency Region III
Source Water & UIC Section (3WD22)
Water Division
1650 Arch Street
Philadelphia, PA 19103-2029

See the Federal Register notice cited above or the EAB website:
(http://yosemite.epa.gov/oa/EAB_Web_Docket.nsf) for how to file with the EAB electronically or by hand delivery.

The petition must clearly set forth the petitioner's contentions for why the EAB should review the permit. The petition must identify the contested permit conditions or the specific challenge the permit decision. The petitioner must demonstrate the issues raised in the petition had been raised previously during the comment period. The petitioner must also state whether, in his or her opinion, the permit decision or the permit's conditions appealed are objectionable because of:

1. Factual or legal error, or
2. The incorporation of a policy consideration which the EAB should, at its discretion, review.

If a petition for review of this permit is filed, the permit conditions appealed would be deemed not to be in effect pending a final agency action.

Within a reasonable time of receipt of the Appeals Petition, the EAB will either grant or deny the appeal. The EAB will decide the appeal on the basis of the written briefs and the total administrative record of the permit action. If the EAB denies the petition, EPA will notify the petitioner of the final permit decision. The petitioner may, thereafter, challenge the permit decision in Federal Court. If the EAB grants the appeal, it may direct the Region III office to implement its decision by permit issuance, modification or denial. The EAB may order all or part of the permit decision back to the EPA Region III office for reconsideration. In either case, if the permit is appealed, a final agency decision occurs when after appeal the permit is issued, modified or denied and an Agency decision is announced. After this time, all administrative appeals have been exhausted, and any further challenges to the permit decision must be made to Federal Court.