



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

SEP 28 2011

Len Paugh, Operations Manager
Great Lakes Energy Partners, LLC
P.O. Box 235
Route 85 and North Avenue
Yatesboro, Pennsylvania 16263

Dear Mr. Paugh:

Enclosed is an Information Request ("Request") issued this date by the U.S. Environmental Protection Agency ("EPA") Region III, pursuant to Section 308 of the Clean Water Act (the "Act"), as amended, 33 U.S.C. § 1318. Your responses to this Request must be accompanied by a certificate that is signed and dated by you or the person who is authorized by you to respond to the Request within fifteen (15) days unless otherwise stated. The certification must state that the response is complete and contains all information and documentation available to you pursuant to the Request. Section IV, Paragraph 31 provides a Statement of Certification for this purpose.

You should carefully read the contents of the Request, and communicate to each responsible official, agent or employee the actions which each such person must take to ensure compliance with its terms. Failure to comply with the Request may result in further enforcement actions being taken, including a civil suit for penalties and injunctive relief, or a criminal prosecution as appropriate.

If you require any information or assistance regarding this matter, please contact Ms. Rebecca Crane, NPDES Enforcement Branch, at 215-814-2389.

Sincerely,

A handwritten signature in black ink, appearing to read "Jon M. Capacasa", is written over a circular stamp or seal.

Jon M. Capacasa, Director
Water Protection Division

Enclosure (1)

cc: Jeff Means, Executive Assistant
Office of Field Operations, PADEP

Sam Harper, Environmental Program Manager
Water Management Southwest Regional Office, PADEP



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

IN THE MATTER OF:

Great Lakes Energy Partners, LLC
PO Box 235
Route 85 and Northern Avenue
Yatesboro, PA 16263

Great Lakes Energy Partners-
Ashville Treatment Facility
Cambria County, PA

Respondent

Proceeding Under Section 308 of the
Clean Water Act, 33 U.S.C. § 1318

REQUEST FOR INFORMATION

I. STATUTORY AUTHORITY

1. This Request for Information is issued under the authority vested in the United States Environmental Protection Agency ("EPA") by Section 308 of the Clean Water Act ("CWA"), 33 U.S.C. § 1318. The Administrator of the EPA has delegated this authority to the Regional Administrator of EPA Region III who in turn has delegated it to the Director of the Water Protection Division of EPA Region III. EPA hereby requires Great Lakes Energy Partners, LLC (Respondent) to provide information specified below.

II. STATUTORY AND REGULATORY BACKGROUND

2. Section 301(a) of the Act, 33 U.S.C. § 1311(a), prohibits the discharge of any pollutants (other than dredged or fill material) from a point source into waters of the United States except in compliance with a permit issued pursuant to the National Pollutant Discharge Elimination System ("NPDES") program under Section 402 of the Act, 33 U.S.C. § 1342.
3. EPA is authorized under Section 308 of the CWA, 33 U.S.C. § 1318, to require owners and operators of point sources to establish records and make such reports as may be necessary to carry out the purpose of the Act, including but not limited to:
 - (a) Developing or assisting in the development of any effluent limitation, or other limitation, prohibition, effluent standard, pretreatment standard, or standard of performance under the CWA;

- (b) Determining whether any person is in violation of any such effluent limitation, or other limitation, prohibition or effluent standard, pretreatment standard, or standard of performance;
 - (c) Any requirement under Section 308 of the CWA, 33 U.S.C. §1318; or
 - (d) Carrying out Sections 305, 311, 402, 404, and 504 of the CWA, 33 U.S.C. §§ 1315, 1321, 1342, 1344, and 1364.
- 4. Section 402(a) of the Act, 33 U.S.C. § 1342(a), provides that EPA may issue permits under the NPDES program for the discharge of pollutants from point sources to waters of the United States. The discharges are subject to specific terms and conditions as prescribed in the NPDES permit.
 - 5. "Discharge of a pollutant" includes "any addition of any pollutant or combination of pollutants to waters of the United States from any point source." 40 C.F.R. § 122.2.
 - 6. Section 502(6) of the Act, 33 U.S.C. § 1362(6), defines "pollutant" to include, *inter alia*, sewage, sludge, biological material and industrial, municipal and agricultural waste.
 - 7. Section 502(14) of the Act, 33 U.S.C. § 1362(14) defines "point source" as "...any discernible, confined and discrete conveyance, including but not limited to any pipe, ditch, channel, tunnel, conduit, well [or] discrete fissure..."
 - 8. A centralized waste treatment ("CWT") facility is defined as "any facility that treats (for disposal, recycling or recovery of material) any hazardous or non-hazardous industrial wastes, hazardous or non-hazardous industrial wastewater, and/or used material received from off site." 40 C.F.R. § 437.2(c).
 - 9. Pursuant to Section 402(b) of the Act, 33 U.S.C. § 1342(b), EPA authorized the Pennsylvania Department of Environmental Protection ("PADEP") to issue NPDES permits within the Commonwealth of Pennsylvania ("PA").

III. EPA FINDINGS AND ALLEGATIONS

- 10. Great Lakes Energy Partners, LLC ("Respondent") is a "person" within the meaning of Section 502(5) of the Act, 33 U.S.C. § 1362(5).
- 11. Respondent, at all times relevant to this Order, has owned and/or operated the Great Lakes Energy Partners, LLC – Ashville Treatment Facility, in Allegheny Township, Cambria County, PA ("Ashville Facility").
- 12. Respondent operated the Ashville Facility pursuant to NPDES Permit No. PA0253103 ("Permit") which was reissued May 15, 2006 effective June 1, 2006 through May 31, 2011.
- 13. The Permit authorizes discharges from the Ashville Facility through one outfall to Clearfield Creek.

14. Upon information and belief, the Ashville Facility had been accepting groundwater from the dewatering of coal seams for the purpose of methane gas extraction.
15. EPA conducted an NPDES file review in the Northwest and Southwest Regional Offices of PADEP April 3-8, 2011.
16. Upon information and belief, the Permit expired May 31, 2011.

IV. REQUEST FOR INFORMATION

AND NOW, this 28th day of September, 2011, Respondent is hereby directed, pursuant to Section 308 of the Act, 33 U.S.C. Section 1318, to provide the following information:

17. Respondent shall provide EPA with an electronic spreadsheet that summarizes the information recorded in the Ashville Facility monthly DMRs for the years 2006-2011.
18. Respondent shall begin composite sampling, of a minimum of 8-hour duration, of its effluent for the analysis for TDS, chloride, bromide, sulfate, Gross Alpha, Radium 226 and 228 and Uranium upon receipt of this Order and Request and biweekly thereafter. Samples should be analyzed by an accredited laboratory using EPA-approved methods. Respondent shall submit to EPA and PADEP the additional monitoring data of their effluent with its monthly DMRs to characterize its water quality.
19. Respondent will not be required to perform the sampling and analysis prescribed in Paragraph 18 above, if within five (5) days of receipt of this Request, Respondent certifies that it will not accept any oil and gas exploration and/or production wastewater. To meet the requirements of this paragraph, Respondent must sign and return to EPA the attached certification (Attachment A).
20. Respondent shall provide to EPA the day, month, and year when oil and gas exploration and/or production wastewater, including coal bed methane, was accepted at the Ashville Facility.
21. Respondent shall disclose the current status of its Permit coverage to EPA and shall provide EPA with copies of all permit amendment applications including, but not limited to, applications submitted to notify the permitting authority of a proposed change in the type of wastes received at the Ashville Facility since the date referenced in Paragraph 20.
22. Respondent shall provide to EPA the notification given to PADEP regarding the acceptance of oil and gas exploration and/or production wastewater, including coal bed methane, referenced in Paragraph 20.
23. Respondent shall provide to EPA documentation of PADEP's authorization for the acceptance of oil and gas exploration and/or production wastewater, including coal bed methane, referenced in Paragraph 20.

24. Respondent shall provide to EPA all characterization evaluations of incoming wastes and source identification since the date referenced in Paragraph 20.
25. Respondent shall provide to EPA the Ashville Facility's standard operating procedures for sampling the water in the Inlet Water Line.
26. Respondent shall disclose to EPA if hauled water is accepted at the Ashville Facility.
27. Respondent shall provide to EPA the Ashville Facility's standard operating procedures for sampling the hauled water.
28. Respondent shall provide EPA the Ashville Facility's method for determining the acceptance and denial of hauled wastewater based on the sampling procedure referenced in Paragraph 25.
29. Respondent shall inform EPA if they are planning to accept oil and gas exploration and/or production wastewater and/or change current process operations.
30. Unless otherwise stated, Respondent shall provide EPA all submissions pursuant to this Request within fifteen (15) calendar days of receipt of this Request.
31. All submissions pursuant to this Request shall be signed, dated by a responsible official of Respondent, and include the following certification:

"I certify that the information contained in or accompanying this submission is true, accurate, and complete.

As to the identified portion(s) of this submission for which I cannot personally verify its truth and accuracy, I certify as the responsible official having supervisory responsibility for the person(s) who, acting under my direct instructions, made the verification, that this information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment.

By _____
(Signature)

(Title)

(Date)

The certifications shall be submitted to:

Rebecca K. Crane
Environmental Engineer
NPDES Enforcement Branch
Mail Code 3WP42
U.S. EPA, Region III
1650 Arch Street
Philadelphia, PA 19103-2029

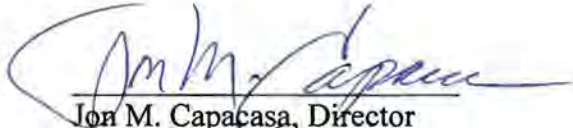
V. GENERAL PROVISIONS

32. Failure to respond as directed to a CWA Section 308 request is punishable under the civil and criminal provisions of Section 309 of the CWA, which provide for the assessment of penalties, injunctive relief and imprisonment. Providing misleading or false information may subject you to civil and criminal sanctions. The information you provide may be used by EPA in administrative, civil or criminal proceedings.
33. You may, if you desire, assert a business confidentiality claim covering all or part of the information requested herein in the manner described in 40 C.F.R. Part 2 Subsection B. Information covered by such a claim will be disclosed by EPA only to the extent and by means of the procedures set forth in Subpart B, 40 C.F.R. Part 2. If no claim of confidentiality accompanies the information requested herein when it is received by EPA, it may be made available to the public by EPA without further notice. You may not withhold any information from EPA on the grounds that it is confidential business information. This inquiry is not subject to review by the Office of Management and Budget under the Paperwork Reduction Act 44 U.S.C. Chapter 35. (See 5 C.F.R. Section 1320.3(c)).

VIII. EFFECTIVE DATE

This REQUEST is effective upon receipt.

Date: 9/28/11


Jon M. Capacasa, Director
Water Protection Division
EPA, Region III

I certify that **Great Lakes Energy Partners, LLC – Ashville Treatment Facility**, which operates under NPDES Permit No. PA0253103 will not accept any oil and gas exploration and/or production wastewaters at this facility. For the purpose of this certification, oil and gas exploration and/or production wastewaters includes, but is not limited to: ground water produced from coal seams, shale formation ground water, well drilling fluids, fracturing fluids, shale gas produced water, water produced from conventional and unconventional wells, pit water, containment pond water, and storage pond water.

If **Great Lakes Energy Partners, LLC – Ashville Treatment Facility** desires to accept oil and gas exploration and/or production wastewater after signing this certification, **Great Lakes Energy Partners, LLC – Ashville Treatment Facility** will, prior to acceptance: notify EPA Region III and PADEP of its intent, take all actions necessary to comply with the Clean Water Act (CWA) and receive all necessary approvals from EPA and PADEP.

As a company official, I certify that this statement is true and correct. I am aware that violations of CWA are punishable under the civil and criminal provisions of Section 309 of the CWA, which provide for the assessment of penalties, injunctive relief and imprisonment.

By _____
(Signature)

(Title)

(Date)