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Fayetteville, WV

**Board of Directors**

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Attn: James Martin  
West Virginia Department of Environmental Protection  
Office of Oil & Gas  
601 57<sup>th</sup> Street  
Charleston, WV 25304

Activity: Renewal of an Underground Injection Control Permit for the subsurface discharge of approved fluids.  
Applicant: Danny E. Webb Construction, Inc.  
UIC Permit: UIC2D0190460

Dear Mr. Martin:

The Plateau Action Network (PAN) has previously submitted comments (3/11/13) on the renewal of Underground Injection Control Permit UIC2D0190460, submitted by Danny E. Webb Construction, Inc. to the West Virginia Department of Environmental Protection, Office of Oil and Gas. Since that time, PAN has collected additional water quality and soil samples that confirm water discharging from Danny Webb’s property does not meet West Virginia Surface Water Standards promulgated by the State Environmental Quality Board.

PAN objects to the issuance of the above permit and requests that the West Virginia Department of Environmental Protection (DEP) investigate the water quality violations discharging from Danny Webb’s property more closely.

PAN has specific objections based upon the term and conditions specified in the permit renewal:

1. “The underground injection activity authorized by this permit shall not allow the movement of fluid containing any contaminant into any subsurface area other than that which is specified and many not cause a violation of any primary drinking water regulation promulgated under 40 CFR Chapter 1, Part 141 or any water quality standard promulgated by the State Environmental Quality Board.”
  - Water discharging from Danny Webb’s property has consistently shown to violate State Surface Water Standards.

Based upon this evidence PAN request the DEP:

Provide consistent water quality monitoring, with GPS or map locations that would seek to evaluate the source of contamination discharging from Danny Webb’s property. Regardless if the source is from AMD/AML, leaking pits or a combination of both – water discharging from the site is polluted above natural background levels. It is important to reiterate that Wolf Creek is an impaired stream listed on the state’s listing of impaired waters under Section 303(d) of the Clean Water Act and the Water Quality

Planning and Management Regulations, 40CFR130.7. The sole purpose of this program is to track waters that are NOT supporting their designated uses and to reduce the discharge of pollutants into impaired waters. Danny Webb's operation is located in the headwaters of the main stem of Wolf Creek and has been identified as violating surface water quality standards. Awarding a permit to a known water quality polluter would deter not only the efforts of PAN, but the working relationships established with the DEP to restore the health of Wolf Creek. PAN is one-of-two organizations in the state that have a private/public environmental trust with the DEP. The primary purpose of the trust is to defray the long term costs of acid mine drainage treatment from the Summerlee Site.

- a. In addition to other parameters being monitored, specifically, the DEP should monitor the following parameters Upstream and Downstream of Danny Webb's operations:
    - i. Barium
    - ii. Chloride
    - iii. Glycols
    - iv. TPH
2. "If the integrity of sediment collection pond(s) should fail or be in question as determined by the Office of Oil & Gas, the permittee shall empty them and/or make all necessary repairs. A plan shall be submitted to the Office of Oil and Gas for approval. If the pond(s) cannot be repaired properly they shall be closed permanently making sure to test bottom solids and associated fluids for parameters to be determined by the Office of Oil and Gas."
- a. There is photographic, video, and eye-witness evidence that indicates that contaminants may be seeping out of the sides of the pit berms, leading to the contamination of soil and the creek.

Based upon the above evidence, PAN request that the DEP test the integrity of the pit liner(s) at Danny Webb's operation. At a minimum, all pits should be emptied and the integrity of the pit liner(s) to hold fluids should be tested.

**Please notify PAN Regarding any future actions regarding this permit.**

*Sincerely,* on behalf of the Plateau Action Network

*Levi Rose, Wolf Creek Watershed Coordinator*