

Danny Webb Construction's North Hill oil and gas waste site

The West Virginia Department of Environmental Protection (DEP) is proposing to issue two new permits to Danny Webb Construction Inc. to operate two oil and gas wastewater injection wells at the North Hill site in Lochgelly. The waste operation has been the site of numerous serious violations in past years.

January 7 Public Hearing

DEP will be holding a public hearing to allow members of the public to comment on the proposed permits on January 7, 2015. The hearing will be held at the Oak Hill High School auditorium at 350 West Oyler Avenue, Oak Hill, West Virginia. The hearing will occur from 6:30 pm to 8:30 pm. Members of the public will likely have 3-5 minutes to speak, but can take less time.

Other opportunities to weigh in by mail, fax, or e-mail

If you are not able to attend or speak at the public hearing, you can also send written comments to DEP by mail or by e-mail. All comments are due by January 17. They can be as brief or as long as you like.

Fax: 304-926-0452, Attn: Justin Nottingham

Email: Justin.e.nottingham@wv.gov, Subject: UIC comments

Mail: WV DEP, Office of Oil and Gas, Attn: Justin Nottingham, 601 57th Street SE, Charleston, WV, 25304

Background

Danny Webb Construction Inc. was first issued a permit at the Lochgelly site in 2002. The site has two underground injection wells that are used to dispose of oil and gas wastewater. The site also has two surface pits that are no longer taking new waste and have been filled in. Complaints about foul odors began in 2004. Other complaints since then have included soil contamination around the pits and contamination of the stream that runs next to the site and flows into Wolf Creek. Although DEP has issued violation notices to the operator, there is no evidence that all of the state's orders have been complied with.

In 2007, many local residents opposed renewing the permit for the site. Nevertheless, a permit was issued. In 2008, DEP found more violations at the site but continued to allow the facility to operate. More violations were issued in 2010. The last permit expired in 2012, but DEP has allowed the company to continue operating the waste site. Now DEP is proposing to issue new permits for the two injection wells. A coalition of the Plateau Action Network, West Virginia Surface Owners Rights Organization, Natural Resources Defense Council, and local landowner Brad Keenan has filed an appeal with the West Virginia Environmental Quality Board to close the site.

Environmental concerns

The stream adjacent to the site is a tributary of Wolf Creek, which flows into the New River. Water testing of the stream by Duke University scientists in 2014 found elevated levels of chloride, bromide, sodium, manganese, strontium, and barium. This chemical composition is typical of oil and gas wastewater found in West Virginia. DEP has not determined the source of the stream contamination. Past water testing of the stream found high levels of contaminants including diesel, oil, chloride, and iron. Lab testing of soil collected from private property adjacent to the site in 2013 detected Total Petroleum Hydrocarbons and acetone.

Suggested topics for oral or written comments

- **Proximity:** If you live near the Danny Webb Construction site or near Wolf Creek, or if you are affected by the air quality, water quality or truck traffic in the area, mention that in your comments.
- **Truck traffic:** DEP has not analyzed the risks to health and safety from any increased truck traffic at the site. The new permit would allow much more waste to be disposed at this site, and the waste is transported by large trucks. This heavy traffic is dangerous, generates harmful air pollution, is very noisy, and destroys rural roads. This traffic could be 24/7. The roads are not designed for increased heavy industrial truck traffic, and the risk of serious traffic accidents could escalate at all times of the day and night. The level of traffic is not appropriate for the rural nature of the area and the community may not have the capacity to deal with major accidents involving hazardous materials.
- **Water contamination:** DEP has not determined if the injection wells are causing any ground water or surface water contamination. DEP must determine the source of contamination in the stream before issuing any new permits. Recent testing by independent scientists from Duke University found high levels of contaminants in the stream that runs adjacent to the Danny Webb Construction waste site. The contamination matches oil and gas wastewater chemistry, but no one has determined if the contamination is from the pits or from the underground injection wells. No new permits should be issued for injection wells until it is certain that the injection wells are not causing any water contamination and all contamination has been resolved.
- **Oil and gas wastewater is known to be toxic:** Oil and gas exploration and production wastes have been shown to meet the criteria for hazardous waste and to contain toxic substances which endanger both human health and the environment, including materials that can cause cancer. They may contain volatile organic compounds, radioactive material, or heavy metals and should be treated with special precautions to ensure safe disposal. However, these materials are exempt from federal hazardous waste laws and, therefore, current state standards are not adequate to protect the public. A company managing these wastes should be held to the highest standards. This waste will be transported through the community on rural roads. The community may not have the capacity to deal with major accidents involving hazardous materials.
- **History of violations at the site:** Danny Webb Construction Inc. has a pattern of violations. The company has been issued numerous violation notices and orders since 2004. Many of them are for very serious offenses. There is no evidence that the company has complied with all of the previous orders. This is not the kind of company we want in our community. DEP should automatically reject any permit applications from companies with a pattern of noncompliance and require any operator applying for a permit to certify that it is currently in compliance with all safety and environmental requirements and that it has met all obligations for any prior violations.
- **Case is currently pending:** DEP has been allowing the Danny Webb Construction site to continue operating even though the company does not have a permit as required by state and federal law. Several non-profit organizations and a local landowner have filed an appeal with the West Virginia Environmental Quality Board (EQB), asking it to overrule DEP's decision to allow the site to operate. DEP should not issue any new permits until the EQB has issued its decision about Danny Webb Construction Inc.'s operations.