



pennsylvania
DEPARTMENT OF ENVIRONMENTAL
PROTECTION

August 16, 2023

Hand Delivered

Petro Erie, Inc.
7395 Market Road
Fairview, PA 16415-2826

RE: Order Dated August 16, 2023
Petro Erie, Inc Lower Reno Lease, Venango County, Sugarcreek Borough

Dear Mr. Rhoades:

Enclosed is an Order issued by the Pennsylvania Department of Environmental Protection.

If you have any questions, please contact Robert Bechtel at 814.573.3610 or robechtel@pa.gov.

Sincerely,

A handwritten signature in blue ink that reads "Scott M. Dudzic".

Scott M. Dudzic
Northwest District Oil and Gas Manager
District Oil and Gas Operations

Enclosure

Cc: S. Dudzic (via email with/enclosure)
R. Bechtel (via email with/enclosure)
J. Lichtinger (via email with/enclosure)
R. Willey (via email with/enclosure)
A. Wolf (via email with/enclosure)
K. Thomas (via email with/enclosure)
K. Despenes, Esq. (via email with/enclosure)
M. Braymer, Esq. (via email with/enclosure)

**COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF ENVIRONMENTAL PROTECTION**

IN THE MATTER OF:

Petro Erie, Inc.	:	Clean Streams Law,
7395 Market Road	:	Land Recycling Act,
Fairview, PA 16415	:	Oil and Gas Act, and Solid
	:	Waste Management Act

ORDER

Now this 16th day of August 2023, the Commonwealth of Pennsylvania, Department of Environmental Protection ("Department") has made and determined the following Findings and hereby issues this Order to Petro Erie, Inc.

FINDINGS

A. The Department is the agency with the duty to administer and implement the Land Recycling and Environmental Remediation Standards Act, Act of May 19, 1995, *as amended*, 35 P.S. §§ 6026.101-6026.908 ("Land Recycling Act"); and to administer and enforce The Clean Streams Law, Act of June 22, 1937, P.L. 1987, *as amended*, 35 P.S. §§ 691.1-691.1001 ("Clean Streams Law"); the Oil and Gas Act, Act of February 14, 2012, P.L. 87, No. 13, 58 Pa. C.S. §§ 3201-3274 ("Oil and Gas Act"); the Pennsylvania Safe Drinking Water Act, Act of May 1, 1984, P.L. 206, *as amended*, 35 P.S. §§ 721.1-721.17 ("Safe Drinking Water Act"); the Solid Waste Management Act, Act of July 7, 1980, P.L. 380, *as amended*, 35 P.S. §§ 6018.101-6018.1003 ("Solid Waste Management Act"); Section 1917-A of the Administrative Code of 1929, Act of April 9, 1929, P.L. 177, *as amended*, 71 P.S. § 510-17 ("Administrative Code"); and the rules and regulations promulgated thereunder ("Regulations").

B. Petro Erie, Inc. is a Pennsylvania domestic business corporation that engages in various oil and gas exploration and production activities in Pennsylvania and maintains a registered business address of 7395 Market Road, Fairview, PA 16415 ("Petro Erie").

C. Petro Erie is the permitted operator of 14 oil and/or gas wells located in Sugarcreek Township, Venango County, which are the subject of this Order (collectively, the “Petro Erie Wells”). A list of the Petro Erie Wells by permit number, well name and number, and municipality and county where each well is located is attached and incorporated herein as Exhibit A.

D. Some of the Petro Erie Wells are served by a tank battery, which consists of two 210-barrel steel storage tanks and four 100-barrel polyethylene storage tanks that are situated within secondary containment (“Tank Battery”).

Unpermitted Discharge of Residual Waste to Ground

E. On July 20, 2023, the Department inspected the Tank Battery in response to a complaint of a suspected release of oil and gas production fluids. During this inspection, the Department observed that the Tank Battery’s secondary containment drain valve was open and brine and/or other production fluids were draining out of the secondary containment area and onto the ground.

F. On July 21, 2023, the Department inspected the Tank Battery and observed:

1. brine and/or other production fluids were dripping from a pipeline between two of the polyethylene storage tanks in the Tank Battery;

2. the Tank Battery’s secondary containment drain valve was open and brine and/or other production fluids were draining out of the secondary containment area and onto the ground;

3. the flow path of the discharged brine and/or other production fluids extended approximately 180 feet from the Tank Battery’s secondary containment drain valve and ranged from approximately 6 to 20 feet in width (“Impacted Area”); and

4. dead and discolored vegetation was located within the Impacted Area.

G. A map depicting the approximate surface boundaries of the Impacted Area is attached and incorporated herein as Exhibit B.

H. On July 21, 2023, following the Department's inspection, the Department issued an administrative order requiring cleanup and remediation of the spill and/or release to Petro Erie ("Field Order"). A true and correct copy of the Field Order is attached and incorporated herein as Exhibit C.

I. The Field Order required Petro Erie to, among other things:

1. immediately cease and desist the discharge of a regulated substance onto the ground and/or into the waters of the Commonwealth;
2. immediately contain the released regulated substance;
3. immediately prevent any further migration of the regulated substance from the site of the release;
4. immediately prevent the regulated substance from continuing to reach or further impacting surface water or groundwater; and
5. immediately notify downstream users that a release of the regulated substance occurred.

J. Neither Petro Erie, nor any other person or entity, had or has a permit or authorization from the Department to dispose of residual waste onto the ground or into the waters of the Commonwealth.

Water Resources

K. Venango Water Company is a registered Pennsylvania corporation that maintains a mailing address of 91 Brook Street, P.O. Box 397, Reno, PA 16343.

L. Venango Water Company owns and operated a public water supply (PWSID No. 6610014) located in Sugarcreek Borough, Venango County ("Water Supply").

M. The Water Supply has multiple raw water sources, including a collection of springs that flow into two separate cisterns. The Bellows Spring consists of four springs that are piped from the springs' sources to one of those cisterns ("Bellows Spring"). The Shaffer Spring consists of four springs that are piped from the springs' sources to the other cistern ("Shaffer Spring").

N. After receiving treatment at their respective treatment plants, the treated water from the Shaffer Spring and Bellows Spring flows to a common distribution system that consists of a 400,000-gallon storage tank and serves approximately 214 residential and commercial service connections, and a population of approximately 550 customers located within the Village of Reno and the municipality of Sugarcreek Borough.

O. On October 8, 2014, water samples were collected from the Bellows Spring and the Shaffer Spring ("2014 Water Samples").

P. The Tank Battery is located approximately 0.5 miles upgradient of the Bellows Spring cistern.

Q. On or about July 20, 2023, Venango Water Company turned off the Bellows Spring source in response to dirty water complaints from its customers.

R. On July 20, 2023, Venango Water Company notified the Department of the suspected contamination of the Bellows Spring, and the Department requested that Venango Water Company issue a Tier 1 public notice in the form of a "Do Not Consume Advisory" to its customers and request that its customers voluntarily conserve water.

S. On July 21, 2023, the Department collected samples from the Tank Battery and the Bellows Spring cistern.

T. On July 24, 2023, the Department collected samples from the Tank Battery, the Bellows Spring cistern, and the Shaffer Spring cistern.

U. On July 31, 2023, the Department collected samples from the Bellows Spring cistern and the Shaffer Spring cistern.

V. On August 3 and 7, 2023, the Department collected samples from the Tank Battery, and from each of the individual four springs that flow into the Bellows Spring cistern. In addition, on August 7, 2023, the Department collected samples from entry point number 132 of the Water Supply.

W. On August 14, 2023, the Department collected samples from each of the individual four springs that flow into the Bellows Spring cistern and from the Bellows Spring cistern.

X. The samples collected by the Department from the Bellows Spring cistern on the dates identified in Paragraphs S through U, above, are hereinafter collectively referred to as the “Department’s Bellows Spring Samples.”

Y. The Department’s Bellows Spring Samples were analyzed by a laboratory, and those analytical results detected the following parameters at concentrations above their respective Maximum Contaminant Levels (“MCLs”): total dissolved solids (“TDS”), chloride, manganese, and aluminum.

Z. Aluminum, barium, magnesium, manganese, chloride, TDS, sodium, and zinc were also detected in the Department’s Bellows Spring Samples at concentrations higher than they were detected in the 2014 Water Samples.

AA. The brine and/or other production fluids discharged from the Tank Battery, as described in Paragraphs E and F, above, impacted the Bellows Spring and affected the quality of the water supplying the Water Supply.

BB. Aqua Pennsylvania, Inc. (“Aqua PA”) is a Pennsylvania registered corporation with a mailing address of 762 Lancaster Avenue, Bryn Mawr, PA 19010.

CC. On August 11, 2023, the Pennsylvania Public Utility Commission (“PUC”) issued an Ex Parte Emergency Order directing Aqua PA to act as a receiver for Venango Water Company beginning August 12, 2023 to operate the Water Supply, and continuing during the pendency of the PUC’s proceedings initiated pursuant to Section 529 of the Public Utility Code, 66 Pa. C.S. § 529.

DD. As of the date of this Order, Petro Erie has not submitted to the Department a plan to permanently restore or replace the Water Supply.

July 24, 2023 Inspection of Petro Erie Wells

EE. On July 24, 2023, the Department inspected the Petro Erie Wells and observed:

1. crude oil, brine, and/or production fluids discharged directly to the ground at the Lower Reno 19 well (Permit No. 121-45441) (“Lower Reno 19 Impacted Area”);
2. the Lower Reno 6 well (Permit No. 121-45433) (“Lower Reno 6 Well”) was spud on or about August 12, 2014, but no well record has been filed with the Department;
3. there was no production tubing head or surface casing head installed on the Lower Reno 6 Well; there was no observable cement to surface associated with any surface casing string; and the conductor pipe was neither installed by driving the conductor pipe nor was the conductor pipe cemented to surface thereby creating the potential for groundwater impacts from the infiltration of groundwater and/or production fluids to the uncemented casing strings and well bore;
4. annual production reports had not been submitted to the Department for any of the Petro Erie Wells for the 2022 reporting year;
5. mechanical integrity assessment reports had not been submitted to the Department for any of the Petro Erie Wells for the 2022 reporting year;
6. the permit number and operator’s name, address, and telephone number were not posted at any of the Petro Erie Wells; and

7. at eight of the Petro Erie Wells, there was equipment onsite that is no longer necessary for the operation of the wells. A list of these eight wells, by permit number, and well name and number, is attached and incorporated herein as Exhibit D (collectively, the "Wells with Unnecessary Equipment").

Applicable Law

FF. Petro Erie is the "owner" and "operator," as those terms are defined in Section 3203 of the Oil and Gas Act, 58 Pa. C.S. § 3203, of the Petro Erie Wells.

GG. Petro Erie is a "person," as that term is defined in Section 3203 of the Oil and Gas Act, 58 Pa. C.S. § 3203; Section 103 of the Solid Waste Management Act, 35 P.S. § 6018.103; and Section 1 of the Clean Streams Law, 35 P.S. § 691.1.

HH. The crude oil, brine, and/or other production fluids described in Paragraphs E, F, and EE.1., above, are "residual wastes" and "solid wastes," as those terms are defined in Section 103 of the Solid Waste Management Act, 35 P.S. § 6018.103.

II. The depositing of a solid waste on the ground as identified in Paragraphs E, F, and EE.1, above, constitutes "disposal" as that term is defined in Section 103 of the Solid Waste Management Act, 35 P.S. § 6018.103, and 25 Pa. Code § 287.1

JJ. Pursuant to Section 301 of the Solid Waste Management Act, 35 P.S. § 6018.301, no person shall dispose of residual waste within this Commonwealth unless such disposal is authorized by the rules and regulations of the Department.

KK. Pursuant to Section 302 of the Solid Waste Management Act, 35 P.S. § 6018.302, it is unlawful for any person to dispose or permit the disposal of any residual waste in a manner which is contrary to the rules and regulations of the Department.

LL. Pursuant to Section 610 of the Solid Waste Management Act, 35 P.S. § 6018.610, it is unlawful for any person to dump or deposit, or permit the dumping or depositing, of any solid waste

on the surface of the ground by any means, unless a permit for the dumping of such solid waste has been obtained from the Department.

MM. Pursuant to Section 3217(a) of the Oil and Gas Act, to aid in the protection of fresh groundwater, well operators shall control and dispose of brines produced from the drilling, alteration, or operation of an oil or gas well in a manner consistent with the Clean Streams Law, 35 P.S. §§ 691.1-691.1001, or any regulation promulgated under the Clean Streams Law.

NN. Pursuant to 25 Pa. Code § 78.54, a well operator shall control and dispose of fluids, residual waste, and drill cuttings, including top-hole water, brines, drilling fluids, drilling muds, stimulation fluids, well servicing fluids, oil, production fluids, and drill cuttings in a manner that prevents pollution of the waters of this Commonwealth and in accordance with 25 Pa. Code §§ 78.55-78.58 and 78.60-78.63 and with the statutes under which the Regulations are promulgated.

OO. Pursuant to 25 Pa. Code § 78.57(a), unless a permit has been obtained under 25 Pa. Code § 78.60(a) (relating to discharge requirements), the operator shall collect the brine and other fluids produced during operation, service, and plugging of the well in a tank, pit, or a series of pits or tanks, or other device approved by the Department for subsequent disposal or reuse.

PP. Pursuant to 25 Pa. Code § 78.64(d), drainage of containment facilities around oil tanks is acceptable only if: (1) the accumulation in the containment facility consists of only precipitation directly to the containment facility and drainage will not cause a harmful discharge or result in a sheen; and (2) the containment drain valve is opened and resealed, or other drainage procedure, as applicable, is conducted under responsible supervision.

QQ. Pursuant to 25 Pa. Code § 78.66(a), a release of a substance causing or threatening pollution of the waters of this Commonwealth shall comply with the reporting and corrective action requirements of 25 Pa. Code § 91.33 (relating to incidents causing or threatening pollution).

RR. Pursuant to 25 Pa. Code § 91.33(a), if, because of an accident or other activity or incident, a toxic substance or another substance which would result in pollution or create a danger of pollution of the waters is placed so that it might discharge, flow, be washed, or fall into these waters, it is the responsibility of the person at the time in charge of the substance or owning or in possession of the premises, facility, vehicle, or vessel from or on which the substance is discharged or placed to immediately notify the Department by telephone of the location and nature of the danger.

SS. Pursuant to 25 Pa. Code § 91.33(b), a person shall immediately take steps necessary to prevent injury to property and downstream users of the waters of the Commonwealth from pollution or a danger of pollution and, in addition thereto, within 15 days from the incident, shall remove from the ground and from the affected waters of this Commonwealth to the extent required by this title the residual substances contained thereon or therein.

TT. Pursuant to 25 Pa. Code §§ 78.66(b) and (c), if a reportable release of brine on or into the ground occurs at the well site, the owner or operator shall notify the Department as soon as practicable by telephone, but no later than two hours after detecting or discovering the release.

UU. Pursuant to 25 Pa. Code § 78.66(e), upon the occurrence of any release, the owner or operator shall take necessary corrective actions to prevent the substance from reaching the waters of this Commonwealth, recover or remove the substance which was released, and dispose of the substance in accordance with this subchapter or as approved by the Department.

VV. The Bellows Spring is "waters of the Commonwealth," as defined by Section 1 of the Clean Streams Law, 35 P.S. § 691.1.

WW. The brine and/or production fluids described in Paragraphs E and F, above, are "industrial wastes" and "pollution," as those terms are defined in Section 1 of the Clean Streams Law, 35 P.S. § 691.1

XX. Pursuant to Section 307 of the Clean Streams Law, 35 P.S. § 691.307(a), no person shall discharge or permit the discharge of industrial wastes in any manner, directly or indirectly, into any of the waters of the Commonwealth unless such discharge is authorized by the rules and regulations of the Department or such person has first obtained a permit from the Department.

YY. Pursuant to Section 402 of the Clean Streams Law, 35 P.S. § 691.402, it is unlawful for any person or municipality to put or place into any of the waters of the Commonwealth, or allow or permit to be discharged from property owned or occupied by such person or municipality into any of the waters of the Commonwealth, any substance of any kind or character that could potentially result in pollution of the waters of the Commonwealth.

ZZ. Pursuant to 25 Pa. Code § 78.73(b), an operator shall prevent brine and any other fluids or materials from below the casing seat from entering fresh groundwater and shall otherwise prevent pollution or diminution of fresh groundwater.

AAA. The Water Supply is a “system,” as defined by 25 Pa. Code § 109.1, and a “public water system” and a “community water system,” as those terms are defined in Section 3 of the Safe Drinking Water Act, 35 P.S. § 721.3, and 25 Pa. Code § 109.1.

BBB. Pursuant to Section 3218(a) of the Oil and Gas Act, 58 Pa. C.S. § 3218(a), and 25 Pa. Code § 78.51(a), a well operator who affects a public water supply by pollution shall restore or replace the affected supply with an alternate source of water adequate in quantity and quality for the purpose served by the water supply.

CCC. Pursuant to 25 Pa. Code § 78.82(2), if the operator installs conductor pipe in the well, the conductor pipe shall be installed in a manner that prevents subsurface infiltration of surface water or fluids by either driving the pipe into place or cementing the pipe from the seat to the surface.

DDD. Pursuant to 25 Pa. Code § 78.83b(a), if cement used to permanently cement the surface casing is not circulated to the surface despite pumping a volume of cement equal to or greater than 120% of the calculated annular space, the operator shall determine the top of the cement, notify the Department, and meet at least one of the additional requirements set forth in 25 Pa. Code 78.83b(a)(1)-(5).

EEE. Pursuant to Section 3211(g) of the Oil and Gas Act, 58 Pa. C.S. § 3211(g), the well permit number and operator's name, address, and telephone number shall be conspicuously posted at the well site during site preparation, construction of the well site, and during drilling, operating or alteration of the well.

FFF. Pursuant to 25 Pa. Code § 78.88(e), a well operator shall submit an annual report to the Department identifying the compliance status of each well with the mechanical integrity requirements of the Regulations.

GGG. Pursuant to Section 3222(a) of the Oil and Gas Act, 58 Pa. C.S. § 3222(a), and 25 Pa. Code § 78.121(a), a well operator shall file with the Department an annual report on or before February 15th of each year specifying the amount of production on the most well-specific basis available, along with the status of each well.

HHH. Pursuant to Section 3222(b)(1) of the Oil and Gas Act, 58 Pa. C.S. § 3222(b)(1), and 25 Pa. Code § 78.122(a), a well operator shall maintain a record of each well drilled or altered and shall submit that report to the Department within 30 after the drilling of the well.

III. Pursuant to Section 3216(c) of the Oil and Gas Act, 58 Pa. C.S. § 3216(c), a well operator shall fill all pits used to contain produced fluids or industrial wastes and remove unnecessary drilling supplies/equipment not needed for production within nine months from completion of drilling of the well.

Violations

JJJ. Petro Erie's unpermitted and unauthorized disposal of brine and/or production fluids to the ground at the Impacted Area, as described in Paragraphs E, F.1., and F.2., above, violates Sections 301, 302(a), and 610 of the Solid Waste Management Act, 35 P.S. §§ 6018.301, 6018.302(a), and 6018.610(4), and 25 Pa. Code §§ 78.54 and 78.57(a).

KKK. Petro Erie's unpermitted and unauthorized disposal of crude oil, brine, and/or production fluids to the ground at the Lower Reno 19 Impacted Area, as described in Paragraph EE.1, above, violates Sections 301, 302(a), and 610 of the Solid Waste Management Act, 35 P.S. §§ 6018.301, 6018.302(a), and 6018.610(4), and 25 Pa. Code § 78.57(a).

LLL. Petro Erie's drainage of accumulation in the Tank Battery's secondary containment that did not consist of only precipitation, which caused a harmful discharge or resulted in a sheen and was not done under proper supervision, as described in Paragraphs E and F.2., above, violates 25 Pa. Code § 78.64(d).

MMM. Petro Erie's failure to notify the Department of the release of brine and/or other production fluids to the ground at the Impacted Area and the release of crude oil, brine, and/or production fluids to the ground at the Lower Reno 19 Impacted Area, as described in Paragraphs E, F, and EE.1., above, violates 25 Pa. Code §§ 78.66(a), (b), and (c).

NNN. Petro Erie's failure to notify the Department of the release of brine and/or other production fluids to the ground at the Impacted Area and the Lower Reno 19 Impacted Area, as described in Paragraphs E, F, and EE.1., above, and its failure to remove the solid waste from the ground and affected waters of the Commonwealth within 15 days from the incident violates 25 Pa. Code §§ 91.33(a) and (b).

OOO. Petro Erie's failure to take necessary corrective actions to prevent the brine and/or other production fluids that were released to the ground at the Impacted Area from reaching the

waters of this Commonwealth and its failure to recover or remove and dispose of those substances in accordance with the Regulations, as described in Paragraphs E and F, above, and its failure to recover or remove and dispose of the crude oil, brine, and/or production fluids at the Lower Reno 19 Impacted Area in accordance with the Regulations, as described in Paragraph EE.1, above, violates 25 Pa. Code § 78.66(e).

PPP. Petro Erie's failure to control and dispose of brine from an oil and gas well, as described in Paragraphs E, F, and EE.1, above, violates Section 3217(a) of the Oil and Gas Act, 58 Pa. C.S. § 3217(a).

QQQ. Petro Erie's unauthorized and unpermitted discharge of industrial wastes into the waters of the Commonwealth, as described in Paragraphs E and F, above, violates Sections 307 and 402 of the Clean Streams Law, 35 P.S. §§ 691.307(a) and 691.402, and 25 Pa. Code § 78.73(b).

RRR. Petro Erie's failure to install conductor pipe in the Lower Reno 6 Well in a manner that prevents subsurface infiltration of surface water or fluids, as described in Paragraph EE.3., above, violates 25 Pa. Code § 78.82(c).

SSS. Petro Erie's failure to meet one of the additional requirements set forth in 25 Pa Code §§ 78.83b(a)(1)-(5) after failing to circulate cement to the surface on the surface casing for the Lower Reno 6 Well, as described in Paragraph EE.3., above, violates 25 Pa. Code § 78.83b(a).

TTT. Petro Erie's failure to submit Annual Production Reports for the Petro Erie Wells, specifying the amount of production during the 2022 reporting year, as identified in Paragraph EE.4., above, violates 25 Pa. Code § 78.121(a).

UUU. Petro Erie's failure to submit Mechanical Integrity Assessment Reports for the Petro Erie Wells during the 2022 reporting year, as identified in Paragraph EE.5., above, violates 25 Pa. Code § 78.88(e).

VVV. Petro Erie's failure to submit a well record within 30 days after the drilling of the Lower Reno 6 Well, as identified in Paragraph EE.2., above, violates Section 3222(b) of the Oil and Gas Act, 58 Pa. C.S. § 3222(b), and 25 Pa. Code § 78.122(a).

WWW. Petro Erie's failure to post the well permit number and the operator's name, address, and telephone number at each of the Petro Erie Wells, as identified in Paragraph EE.6., above, violates Section 3211(g) of the Oil and Gas Act, 58 Pa. C.S. § 3211(g).

XXX. Petro Erie's failure to remove unnecessary drilling supplies/equipment not needed for production within nine months from completion of drilling of the Wells with Unnecessary Equipment, as identified in Paragraph EE.7., above, violates Section 3216(c) of the Oil and Gas Act, 58 Pa. C.S. § 3216(c).

YYY. The violations described in Paragraphs JJJ through MMM and OOO through XXX, above, constitute unlawful conduct pursuant to Section 3259 of the Oil and Gas Act, 58 Pa. C.S. § 3259; a public nuisance pursuant to Section 3252 of the Oil and Gas Act, 58 Pa. C.S. § 3252; and subject Petro Erie to civil penalty liability pursuant to Section 3256 of the Oil and Gas Act, 58 Pa. C.S. § 3256.

ZZZ. The violations described in Paragraphs NNN and QQQ, above, constitute unlawful conduct pursuant to Section 611 of the Clean Streams Law, 35 P.S. § 691.611; a statutory nuisance under Section 307(c) of the Clean Streams Law, 35 P.S. § 691.307(c); and subject Petro Erie to civil penalty liability pursuant to Section 605 of the Clean Streams Law, 35 P.S. § 691.605.

AAAA. The violations described in Paragraphs JJJ and KKK, above, constitute unlawful conduct under Sections 302 and 610 of the Solid Waste Management Act, 35 P.S. §§ 6018.302 and 6018.610; a statutory nuisance under Section 601 of the Solid Waste Management Act, 35 P.S. § 6018.601; and subject Petro Erie to civil liability under Section 605 of the Solid Waste Management Act, 35 P.S. § 6018.605.

BBBB. On July 21 and July 24, 2023, the Department sent Notices of Violation to Petro Erie for some of the violations described in Paragraphs JJJ through XXX, above.

CCCC. As of the date of this Order, Petro Erie has not corrected the violations identified in Paragraphs JJJ through XXX, above, nor has it demonstrated remediation of the release of brine and/or other production fluids at the Impacted Area or the release of crude oil, brine, and/or other production fluids at the Lower Reno 19 Impacted Area.

ORDER

NOW, THEREFORE, pursuant to Sections 3218 and 3253 of the Oil and Gas Act, 58 Pa. C.S. §§ 3218 and 3253; Section 5 of the Clean Streams Law, 35 P.S. § 691.5; Section 602 of the Solid Waste Management Act 35 P.S. § 6018.602; and Section 1917-A of the Administrative Code, 71 P.S. § 510-17, the Department hereby ORDERS Petro Erie to do the following:

1. ***Temporary Water Supply.*** Within **24 hours** after the receipt of this Order, Petro Erie shall: (1) provide a temporary supply of potable water (*e.g.*, bottled water) to the users of the Water Supply (“Temporary Water”); and (2) confirm in writing to the Department that it has provided Temporary Water to the users of the Water Supply. Petro Erie shall continue to provide Temporary Water to the users of the Water Supply as long as the “Do Not Consume Advisory,” referenced in Paragraph R, above, remains in effect. After the “Do Not Consume Advisory” is lifted, Petro Erie shall continue to provide Temporary Water to any user(s) of the Water Supply who continues to request it until Petro Erie has restored or replaced the Bellows Spring, in accordance with the requirements of Paragraph 2, below. Notwithstanding the above, if the “Do Not Consume Advisory” is reinstated prior to the Bellows Spring being restored or replaced in accordance with the requirements of Paragraph 2, below, then Petro Erie shall resume providing Temporary Water to the users of the Water Supply as long as the “Do Not Consume Advisory” remains in effect.

2. ***Permanent Water Supply.*** Within **45 days**, after the date of this Order, Petro Erie shall provide a plan to restore or replace the quantity and quality of water provided by the Bellows Spring ("Restoration or Replacement Plan"). The Restoration or Replacement Plan shall include the following:

a. proposed corrective actions to permanently restore or replace the Bellows Spring, in accordance with Section 3218(a) of the Oil and Gas Act, 58 Pa. C.S. § 3218(a), and 25 Pa. Code § 78.51(d);

b. a proposed schedule to implement the corrective actions;

c. the independent laboratory, certified by the Department, that Petro Erie will use to analyze samples from the restored or replaced water supply;

d. a schedule for confirmatory sampling of the restored or replaced water supply after Petro Erie asserts that it has permanently restored or replaced the Bellows Spring. Such samples will be used to determine whether the restored and/or replaced water supply meets the standards set forth in Section 3218(a) of the Oil and Gas Act, 58 Pa. C.S. § 3218(a), and 25 Pa. Code § 78.51. The confirmatory sampling schedule should allow: for split samples with the Department; and that sampling would only take place Monday through Thursday during Department working hours and with prior advance notice to the Department before any scheduled sampling of the restored and/or replaced water supply.

e. proposed arrangements between Petro Erie and Venango Water Company and/or Aqua PA to provide for all plumbing, conveyance, pumping, or auxiliary facilities necessary for the use of the permanently restored or replaced water supply.

f. proposed arrangements between Petro Erie and Venango Water Company and/or Aqua PA documenting how Petro Erie will: (1) reimburse Venango Water Company and/or Aqua PA for any increased operating and maintenance costs incurred by Venango Water Company

and/or Aqua PA resulting from the implementation of all temporary and/or interim measures needed to provide adequate quantity and quality water for the purposes served by the Water Supply; and (2) compensate Venango Water Company and/or Aqua PA on a permanent basis for any increased operating and maintenance costs for the replaced or restored water supply.

g. if any of the actions required by Paragraphs 2.a. through 2.f., above, have been completed, the Restoration or Replacement Plan shall include a description of how and when those items were completed.

3. ***Remediation of Impacted Area and Lower Reno 19 Impacted Area.*** Petro Erie shall address the discharges and disposal of brine and/or other production fluids at the Impacted Area and the discharges and disposal of crude oil, brine, and/or other production fluids at the Lower Reno 19 Impacted Area by demonstrating attainment of one or a combination of remediation standards under the Land Recycling Act in accordance with the following:

a. within **30 days** after the date of this Order, Petro Erie shall submit to the Department, at the address identified in Paragraph 12 (Correspondence with the Department), below, for review and approval, a written plan for addressing the release of brine and/or other production fluids at the Impacted Area and the release of crude oil, brine, and/or other production fluids at the Lower Reno 19 Impacted Area, as well as a schedule for implementing the remediation at the Impacted Area and the Lower Reno 19 Impacted Area and submitting a final report demonstrating attainment of one or a combination of remediation standards under Sections 302, 303, and/or 304 of the Land Recycling Act, 35 P.S. §§ 6026.302, 6026.303, and/or 6026.304 by **July 31, 2024** ("Remediation Schedule").

b. upon receipt of the Department's written approval of the Remediation Schedule, Petro Erie shall address the release of brine and/or other production fluids at the Impacted Area and the release of crude oil, brine, and/or other production fluids at the Lower Reno 19 Impacted Area in accordance with the Department-approved Remediation Schedule, the Land

Recycling Act, and this Order.

4. ***Lower Reno 6 Well Integrity.***

a. Within **30 days** after the date of this Order, Petro Erie shall submit to the Department, at the address identified in Paragraph 12 (Correspondence with the Department), below, for review and approval, a written plan that identifies corrective actions addressing how Petro Erie will: (1) permanently restrict surface water from the well bore of the Lower Reno 6 Well; and (2) satisfy the requirements of 25 Pa. Code §§ 78.83b(a)(1)-(5) ("Well Bore Plan"). The Well Bore Plan shall also include an implementation schedule for implementing the corrective actions identified in the Well Bore Plan.

b. Upon receipt of the Department's written approval of the Well Bore Plan, Petro Erie shall implement the corrective actions contained in the Department-approved Well Bore Plan in accordance with the Department-approved implementation schedule.

5. ***Well Record for Lower Reno 6 Well.*** Within **30 days** after the date of this Order, Petro Erie shall complete and submit to the Department, at the address identified in Paragraph 12 (Correspondence with the Department), below, Department Form 8000-FM-OOGM0004a, "Well Record," in accordance with Section 3222(b) of the Oil and Gas Act, 58 Pa. C.S. § 3222(b), and 25 Pa. Code § 78.122(a).

6. ***Annual Production Reports.***

a. On or before **October 31, 2023**, Petro Erie shall submit annual production and status reports for the Petro Erie Wells for the time period from January 1 through December 31, 2022.

b. On or before **February 15, 2024**, and on or before February 15th of every year thereafter, Petro Erie shall submit production and status reports for the Petro Erie Wells for the previous reporting year.

c. The annual production and status reports shall be submitted electronically through the Department's web site and shall include, at a minimum, the amount of production for the Petro Erie Wells and all other information require under 25 Pa. Code § 78.121 on the most well-specific basis available.

7. ***Mechanical Integrity Assessment.***

a. On or before **October 31, 2023**, Petro Erie shall inspect and test the integrity of the Petro Erie Wells, in accordance with 25 Pa. Code § 78.88.

b. On or before **February 15, 2024**, Petro Erie shall complete and submit the Department Form 8000-FM-OOGM0126, "Quarterly Mechanical Integrity Assessment of Operating Oil and Gas Wells," for the Petro Erie Wells, in accordance with 25 Pa. Code § 78.88.

8. ***Posting of Operator Information.*** Within **30 days** after the date of this Order, Petro Erie shall post the well permit number and the operator's name, address, and telephone number in a conspicuous manner at the Petro Erie Wells in accordance with Section 3211(g) of the Oil and Gas Act, 58 Pa. C.S. § 3211(g).

9. ***Removal of Unnecessary Equipment.*** On or before **October 31, 2023**, Petro Erie shall remove drilling supplies/equipment not needed for production from the Wells with Unnecessary Equipment identified in Exhibit D.

10. ***Document Review and Approval by the Department.*** With regard to any document that Petro Erie is required to submit pursuant to this Order, the Department will review such document and will approve or disapprove the document or portion thereof, in writing. If the document, or any portion thereof, is disapproved by the Department, Petro Erie shall submit to the Department a revised document that addresses the Department's identified concerns within a reasonable time, as specified by the Department. The Department will approve, or modify and approve, the revised document in writing. Upon the Department's approval of a document, or any

portion thereof, such approved document, including any identified corrective action and schedule contained therein, shall become an obligation of this Order and shall be enforceable as such.

11. ***Replacement of Field Order.*** This Order replaces Petro Erie's obligations under the Field Order but does not replace the Findings of the Field Order.

12. ***Correspondence with the Department.*** All correspondence with the Department regarding this Order shall be addressed to:

Robert Bechtel
Environmental Group Manager
Northwest District Oil and Gas Operations Department of Environmental
Protection 230 Chestnut Street
Meadville, PA 16335
Telephone: (814) 573-3610
E-Mail: robechtel@pa.gov

Any person aggrieved by this action may appeal the action to the Environmental Hearing Board ("Board") pursuant to Section 4 of the Environmental Hearing Board Act, 35 P.S. § 7514, and the Administrative Agency Law, 2 Pa. C.S. Chapter 5A. The Board's address is:

Environmental Hearing Board
Rachel Carson State Office Building, Second Floor
400 Market Street
P.O. Box 8457
Harrisburg, PA 17105-8457

TDD users may contact the Environmental Hearing Board through the Pennsylvania Relay Service, 800-654-5984.

Appeals must be filed with the Board within 30 days of receipt of notice of this action unless the appropriate statute provides a different time. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decisional law.

A Notice of Appeal form and the Board's rules of practice and procedure may be obtained online at <http://ehb.courtapps.com> or by contacting the Secretary to the Board at 717-787-3483. The Notice of Appeal form and the Board's rules are also available in braille and on audiotape from the

Secretary to the Board.

IMPORTANT LEGAL RIGHTS ARE AT STAKE. YOU SHOULD SHOW THIS DOCUMENT TO A LAWYER AT ONCE. IF YOU CANNOT AFFORD A LAWYER, YOU MAY QUALIFY FOR FREE PRO BONO REPRESENTATION. CALL THE SECRETARY TO THE BOARD AT 717-787-3483 FOR MORE INFORMATION. YOU DO NOT NEED A LAWYER TO FILE A NOTICE OF APPEAL WITH THE BOARD.

IF YOU WANT TO CHALLENGE THIS ACTION, YOUR APPEAL MUST BE FILED WITH AND RECEIVED BY THE BOARD WITHIN 30 DAYS OF RECEIPT OF NOTICE OF THIS ACTION.

FOR THE COMMONWEALTH OF
PENNSYLVANIA, DEPARTMENT OF
ENVIRONMENTAL PROTECTION:

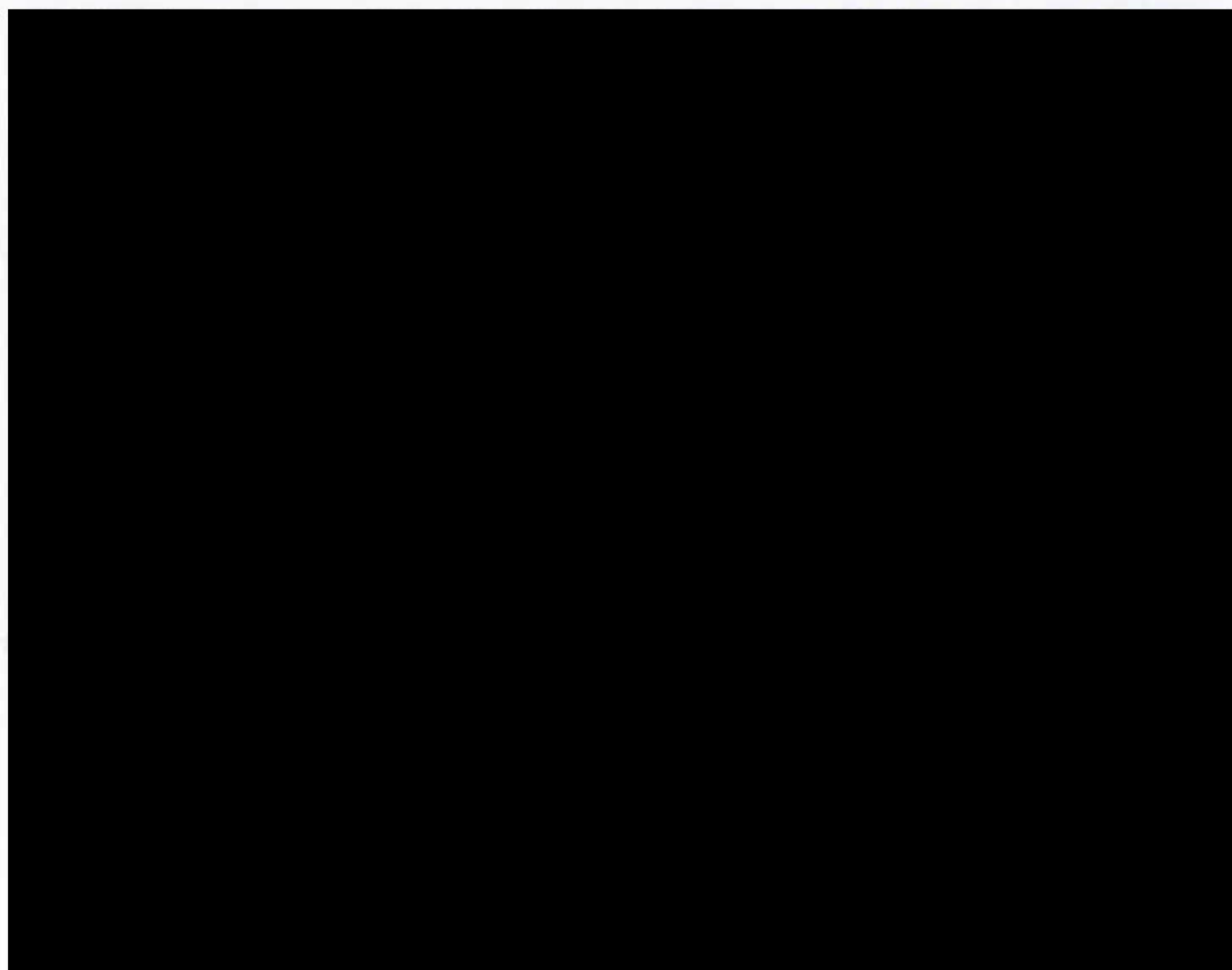


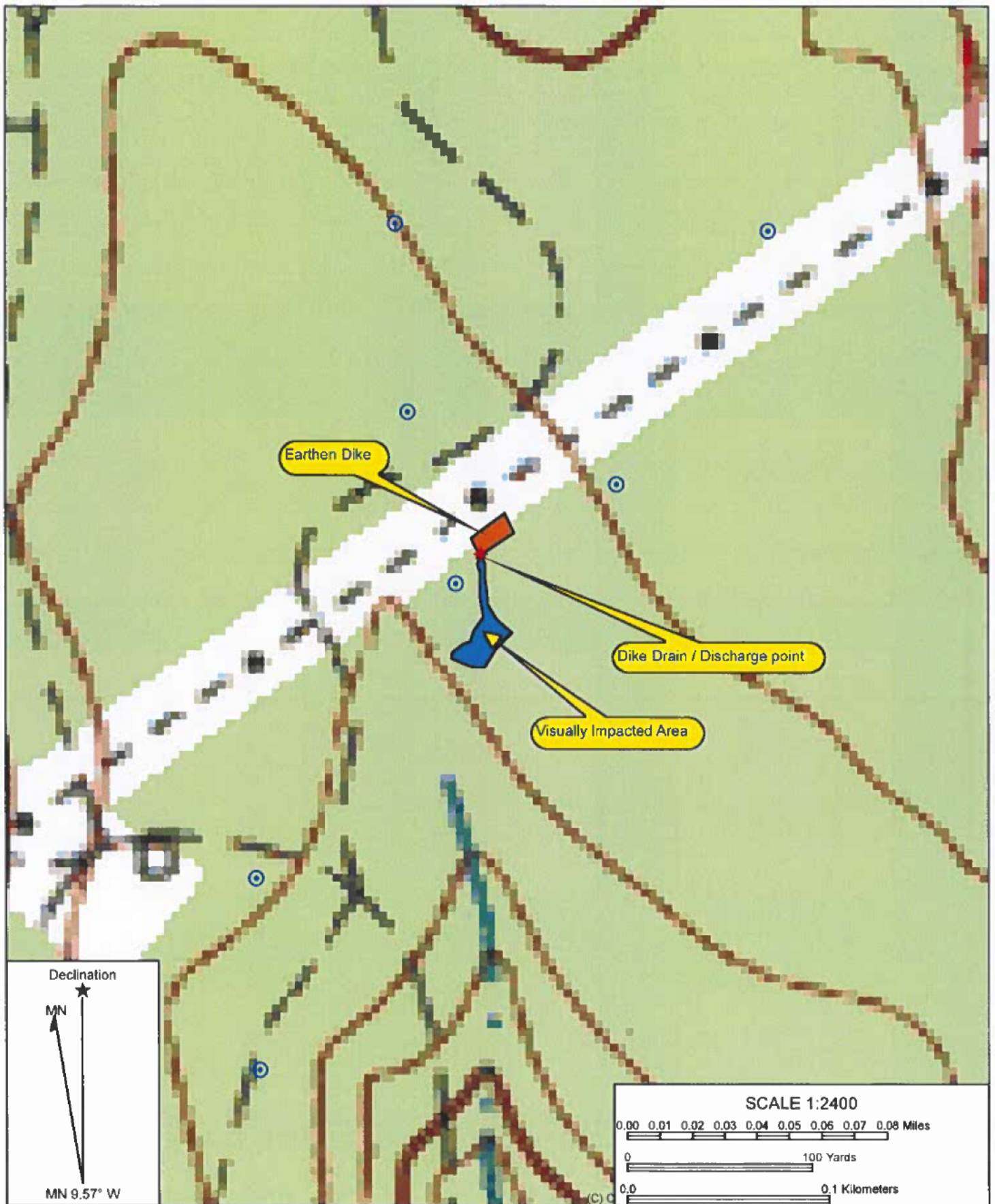
Scott Dudzic
Northwest District Oil and Gas Manager
District Oil and Gas Operations

EXHIBIT A
Petro Erie Wells

Permit Number	Well Name and Number	Municipality	County
121-44422	Lower Reno 4A	Sugarcreek Township	Venango County
121-44463	Lower Reno 1A	Sugarcreek Township	Venango County
121-44464	Lower Reno 2A	Sugarcreek Township	Venango County
121-44465	Lower Reno 3A	Sugarcreek Township	Venango County
121-44466	Lower Reno 5A	Sugarcreek Township	Venango County
121-45433	Lower Reno 6	Sugarcreek Township	Venango County
121-45434	Lower Reno 7	Sugarcreek Township	Venango County
121-45435	Lower Reno 8	Sugarcreek Township	Venango County
121-45437	Lower Reno 11	Sugarcreek Township	Venango County
121-45440	Lower Reno 18	Sugarcreek Township	Venango County
121-45441	Lower Reno 19	Sugarcreek Township	Venango County
121-45442	Lower Reno 23	Sugarcreek Township	Venango County
121-45443	Lower Reno 24	Sugarcreek Township	Venango County
121-45444	Lower Reno 28	Sugarcreek Township	Venango County

EXHIBIT B





Name: FRANKLIN
Date: 08/15/23
Scale: 1 inch = 200 ft.

Location: 041.427988° N, 079.768008° W
Caption: <<Type caption here.>>

EXHIBIT C



pennsylvania
DEPARTMENT OF ENVIRONMENTAL
PROTECTION

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF ENVIRONMENTAL PROTECTION
OFFICE OF OIL AND GAS MANAGEMENT
BUREAU OF DISTRICT OIL AND GAS OPERATIONS
COMPLIANCE ORDER

ORDER REQUIRING CLEANUP AND REMEDIATION OF A SPILL(S) AND/OR RELEASE(S)

DEP DOCKET NUMBER:		
PERSON(S) SUBJECT TO ORDER:	PHONE NO.:	EMAIL:
Petro Eric Inc	814-881-9800	lemp@verlocity.net
ADDRESS OF PERSON(S) SUBJECT TO ORDER:		MUNICIPALITY:
7395 Market Rd. Fairview, PA 16415-2826		Sugarcreek
PROJECT NAME/SITE ID/FACILITY NUMBER/Location of Violation(s):	COUNTY:	GPS COORDINATES:
	Venango	41.42808 - 79.76825
PERMIT NO(S):	DATE OF INSPECTION:	TIME OF INSPECTION:
121-45433 Lower Reno 6	7/21/2023	A.M. P.M. 8:00
NAME AND TITLE OF RECEIVING OFFICIAL:		

The Department of Environmental Protection (Department) is the agency with the duty and authority to administer the Land Recycling and Environmental Remediation Standards Act, Act of May 19, 1995, P.L. 4, 35, 35 P.S. §§ 6026.101-6026.908 (Act 2); and to administer and enforce the Oil and Gas Act, Act of February 14, 2012, P.L. 87, No. 13, 58 Pa. C.S. §§ 3201-3274 (2012 Oil and Gas Act); the Solid Waste Management Act, Act of May 1, 1984, P.L. 206, as amended, 35 P.S. §§ 6018.101-6018.1003 (Solid Waste Management Act); The Clean Streams Law, Act of June 22, 1937, P.L. 1987, as amended, 35 P.S. §§ 691.1-691.1001 (Clean Streams Law); Section 1917-A of the Administrative Code of 1929, Act of April 9, 1929, P.L. 177, as amended, 71 P.S. §510-17 (Administrative Code); and the rules and regulations promulgated thereunder.

The undersigned authorized representative of the Department has conducted an inspection of the above location on the above date and has determined that the violation(s) listed in this Order has/have occurred. This Order applies when a spill(s), discharge(s), disposal, and/or release(s) (hereinafter collectively "spill(s) or release(s)") of substances creates "pollution" and/or a danger of "pollution" to "Waters of the Commonwealth" as those terms are defined in Section 1 of the Clean Streams Law, 35 P.S. § 691.1.

Hereinafter the term "regulated substance(s)" as used in this Order shall have the same meaning as "regulated substance" as that term is defined in section 103 of Act 2, 35 P.S. § 6026.103. The regulated substance(s) that has/have been spilled or released to the ground and/or the waters of the Commonwealth as identified in this Order is/are also a "residual waste" as that term is defined in Section 103 of the Solid Waste Management Act, 35 P.S. § 6018.103, and an "industrial waste," as that term is defined in Section 1 of the Clean Streams Law, 35 P.S. § 691.1.

If applicable, each well permit issued for the well(s) identified at the location above contains the following two conditions: (1) "This permit and the permittee's authority to conduct the activities authorized by this permit are conditioned upon operator's compliance with applicable law and regulations"; and (2) "This permit does not relieve the operator from the obligation to comply with the Clean Streams Law and all statutes, rules and regulations administered by the Department.

The violation(s) identified in this Order constitutes a violation/violations, as applicable, of the well permit issued for the well(s) identified above at the location; constitutes unlawful conduct pursuant to Section 3259 of the 2012 Oil and Gas Act, 58 Pa. C.S. § 3259, Section 611 of the Clean Streams Law, 35 P.S. § 691.611, and Section 302 of the Solid Waste Management Act, 35 P.S. § 6018.302; a statutory nuisance under Section 3252 of the 2012 Oil and Gas Act, 58 P.S. § 3252, Sections 307(c) and/or 402(b) of the Clean Streams Law, 35 P.S. §§ 691.307(c) and/or 402(b), and Section 601 of the Solid Waste Management Act, 35 P.S. § 6018.601; and subjects the Person(s) identified in this Order to a claim for civil penalties under Section 3256 of the 2012 Oil and Gas Act, 58 Pa. C.S. § 3256, Section 605 of the Clean Streams Law, 35 P.S. § 691.605, and Section 605 of the Solid Waste Management Act, 35 P.S. § 6018.605.

Pursuant to Section 3253 of the 2012 Oil and Gas Act 58 Pa. C.S. § 3253, Section 610 of the Clean Streams Law 35 P.S. § 691.610, Section 602 of the Solid Waste Management Act 35 P.S. § 6018.602; and Section 1917-A of the Administrative Code 71 P.S. § 510-17, the Department hereby ORDERS that the Person(s) Subject to this Order shall perform the corrective actions listed in this Order. Nothing contained in this Order shall be construed to relieve or limit the obligations of the above mentioned persons, including, but not limited to, the "well operator" as that term is defined in Section 3203 of the 2012 Oil and Gas Act, 58 Pa. C.S. § 3203, of any well/project/site/facility/location included in this Order to comply with the terms and conditions of any permit, if applicable, existing or hereafter issued by the Department to the operator, or to limit any civil or criminal liability of the person. Additional requirements may be imposed in the future by subsequent Department orders or other actions.

Joint and Several Responsibility (As Applicable): The Persons Subject to this Order as identified above are jointly and severally responsible for the obligations under this Order.

VIOLATIONS

☒ **UNAUTHORIZED SPILL(S) OR RELEASE(S) OF REGULATED SUBSTANCE(S) TO WATERS OF THE COMMONWEALTH OR TO GROUND CREATING A POTENTIAL FOR POLLUTION OF WATERS OF THE COMMONWEALTH:**

- ☒ **SPILL OR RELEASE OF PRODUCTION FLUIDS FROM TANK OR PIT** in violation of Section 3259 of the 2012 Oil and Gas Act (58 Pa. C.S. § 3259), Sections 307, 401, and/or 402(b) of the Clean Streams Law (35 P.S. §§ 691.307, 691.401, and 691.402(b)), Section 301 of the Solid Waste Management Act (35 P.S. § 6018.301), and 25 Pa. Code §§ 78.54, 78.57(a), 78.60(a), 91.33, and/or 91.34.
- ☒ **SPILL(S) OR RELEASE(S) OF REGULATED SUBSTANCE(S) FROM TANK OR PIT** in violation of Section 3259 of the 2012 Oil and Gas Act, 58 Pa. C.S. § 3259, Sections 307, and 401, of the Clean Streams Law, 35 P.S. §§ 691.307 and 691.401, Section 301 of the Solid Waste Management Act, 35 P.S. § 6018.301, 25 Pa. Code §§ 78.54, 78.56, 78.60(a), 91.33, and/or 91.34, and/or the conditions in the permit(s) for the well(s).
- ☐ **SPILL(S) OR RELEASE(S) OF REGULATED SUBSTANCE(S) FROM WELLHEAD** in violation of Section 3259 of the 2012 Oil and Gas Act, 58 Pa. C.S. § 3259, Sections 307 and 401, of the Clean Streams Law, 35 P.S. §§ 691.307 and 691.401, Section 301 of the Solid Waste Management Act, 35 P.S. § 6018.301, 25 Pa. Code §§ 78.54, 78.56, 78.60(a), 91.33, and/or the conditions in the permit(s) for the well(s).
- ☒ **OTHER SPILL(S) OR RELEASE(S) OF REGULATED SUBSTANCE(S) ON THE WELL SITE OR ACCESS ROAD** in violation of Section 3259 of the 2012 Oil and Gas Act, 58 Pa. C.S. § 3259, Sections 307, and 401, of the Clean Streams Law, 35 P.S. §§ 691.307 and 691.401, and Section 301 of the Solid Waste Management Act, 35 P.S. § 6018.301, 25 Pa. Code §§ 78.54, 78.60(a), 91.33, and/or the conditions in the permit(s) for the well(s).
- ☐ **SPILL(S) OR RELEASE(S) OF REGULATED SUBSTANCE(S) FROM PIPELINE** in violation of Sections 307, and 401, of the Clean Streams Law, 35 P.S. §§ 691.307, and 691.401, and Section 301 of the Solid Waste Management Act, 35 P.S. § 6018.301, 25 Pa. Code § 91.33, and/or the conditions in the permit(s) for the well(s).
- ☒ **FAILURE TO HAVE SECONDARY CONTAINMENT AROUND OIL TANK(S) WITH A CAPACITY OF AT LEAST 660 GALLONS OR A COMBINED CAPACITY OF 1,320 GALLONS** in violation of 25 Pa. Code §§ 78.64 and 91.34, and the conditions in the permit(s) for the well(s).
- ☐ **FAILURE TO HAVE SUFFICIENT CONTAINMENT CAPACITY AROUND REGULATED SUBSTANCE STORAGE TANK(S) THAT ARE NOT EQUIPPED WITH INDIVIDUAL SECONDARY CONTAINMENT AT AN UNCONVENTIONAL WELL SITE** in violation of Section 3218.2(d) of the 2012 Oil and Gas Act, 58 Pa. C.S. § 3218.2(d), and the conditions in the permit(s) for the well(s).
- ☒ **FAILURE TO REPORT A RELEASE OF A REGULATED SUBSTANCE** in violation of 25 Pa. Code §§ 78.66, and 91.33, and/or the conditions in the permit(s) for the well(s).

DESCRIPTION OF VIOLATIONS

On 7/20/2023, the Department received a complaint of a release from a tank battery located approximately 0.75 miles north of the Venango Water PWSID: 6610014. The Department responded to the site and observed production fluids (Brine) leaking from a tank battery secondary containment 75 feet northeast of the Lower Reno 6 oil well (121-45433).

This well is currently listed as "proposed but never materialized" in the Department's tracking system, but the well exists and appears to have been drilled in 2013-2014.

The Department returned on 7/21/2023, to inspect the area and take additional samples. Production fluids were observed inside and outside containment. A visually impacted area was observed stretching 180 feet south of the secondary containment drain valve and spread from 6 feet to 20 feet in width. Production fluids were observed running out of the open drain valve at the time of inspection. The valve was closed to prevent further release. Conductivity readings were taken around the entire area. Reading exceeding the limits of the meter were recorded, in excess of 20,000 Micro Siemens. Samples were collected from

a spring near the impacted area, which is a raw water source for a public water supply.

CORRECTIVE ACTION REQUIRED OR ACTIVITY TO BE CEASED:

- ☒ Immediately cease the spill(s) or release(s) of regulated substance(s) onto the ground and/or into the waters of the Commonwealth described above.
- ☒ Immediately contain spilled or released regulated substance(s).
- ☒ Immediately prevent migration of the regulated substance(s) from the site of the spill or release. If the regulated substance(s) have already migrated from the site of the spill or release, immediately prevent any further migration of the regulated substance from the site of the spill or release.
- ☒ Immediately prevent the regulated substance(s) from reaching or impacting surface water or groundwater. If the regulated substance(s) have already reached or impacted surface water or groundwater, immediately prevent the regulated substance(s) from continuing to reach or from further impacting surface water or groundwater.
- ☒ Immediately notify downstream users that a spill or release of the regulated substance(s) occurred.
- ☐ Within _____ days, submit to the Department, in writing, a report which details the cause and duration of each violation and the corrective action taken to prevent its recurrence.
- ☐ Within _____ days, submit to the Department a copy of a site specific Control and Disposal Plan that meets the requirements of 25 Pa. Code Chapter 78.
- ☐ Within _____ days, remove all regulated substance(s) from the tank(s) and/or pit(s) described above and properly dispose of all of the regulated substance(s) at a permitted disposal/recycling facility in accordance with the Solid Waste Management Act, the Clean Streams Law, the 2012 Oil and Gas Act, and the Regulations.
- ☐ Within _____ days, submit receipts and/or other applicable documentation to the Department to verify that the regulated substance(s) was/were removed from the tank(s) and/or pit(s) described above and disposed of at a permitted treatment facility in accordance with the Solid Waste Management Act, the Clean Streams Law, the 2012 Oil and Gas Act, and the Regulations.
- ☐ Investigate and remediate the contamination from the spill(s) or release(s) of regulated substance(s) pursuant to applicable provisions of Act 2 and its Regulations and this Order, as follows:

Within ten days, hire a qualified environmental consultant to investigate and remediate the soil, groundwater, surface water, wetlands, and/or sediments that was/were contaminated by the spill or release of regulated substance(s), and simultaneously submit to the Department, in writing, the name, address, and telephone number of such consultant;

Within 60 days, submit to the Department a written plan to investigate and remediate the soil, groundwater, surface water, wetlands, and/or sediments that was/were contaminated by the spill or release of regulated substance(s) ("Remediation Plan"). The Remediation Plan shall, at a minimum: (1) be prepared and submitted by the qualified environmental consultant hired in accordance with this order; (2) include a complete, written Notice of Intent to Remediate the contaminated soil and groundwater that complies with all of the requirements of 25 Pa. Code § 250.5(a); (3) include a summary of the interim remedial actions that have been completed to date to contain the spill or release of regulated substance(s), and the plan and schedule for continuing these interim remedial actions until the final, Department-approved remedial actions have been completed in accordance with this Order; (4) include a schedule for completing the remedial actions and for submitting the reports required to demonstrate attainment with the chosen remediation standard in accordance with the requirements of 25 Pa. Code §§250.2(b)(1) and 250.2(b)(2); and (5) identify the date when all disturbed areas will be completely restored and re-vegetated;

Project Name/Site ID/Facility Number: Lower Reno 6
Permit No.: 121-454733

Upon receipt of the Department's written approval of the Remediation Plan or revised Remediation Plan, and in accordance with the Department-approved schedule, investigate and remediate the soil, groundwater, surface water, wetlands, and/or sediments that was/were contaminated by the spill or release of regulated substance(s) in accordance with the Department-approved Remediation Plan;

Submit "Progress Reports" to the Department on a quarterly basis. The Progress Reports shall be due by the 30th day of the month following each calendar quarter (i.e. April 30, July 30, October 30, and January 30), and describe the actions taken in the previous quarter to comply with the requirements of this Order, including the requirements in plans or other documents approved by the Department under this Order; and

Take any and all actions necessary to obtain access to any property necessary to comply with the obligations under this Order.

☐ Additional Requirements:

CORRESPONDENCE WITH THE DEPARTMENT:

All correspondence with the Department concerning this Order shall be addressed to:

Robert Bechtel, Env. Group Manager District of Columbia Operations
270 Chestnut St
Meadville PA 16335 (814) 573-3610
email: robertbechtel@pa.gov

DOCUMENT REVIEW AND APPROVAL BY THE DEPARTMENT:

With regard to the Remediation Plan and any other document submitted pursuant to the requirements of this Order, the Department will review the document and will approve, approve with modification(s), or disapprove the document, or portion thereof, in writing. If the document, or any portion thereof, is disapproved by the Department, a revised document shall be submitted to the Department that addresses the Department's concern within a reasonable time, as specified by the Department. The Department will approve, modify and approve, or disapprove the revised document in writing. Upon approval by the Department, the document, including the schedules identified in the document, shall become a part of this Order for all purposes and shall be enforceable as such.

APPEAL NOTICE

Any person aggrieved by this action may appeal, pursuant to Section 4 of the Environmental Hearing Board Act, 35 P.S. § 7514, and the Administrative Agency Law, 2 Pa. C.S. Chapter 5A, to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P.O. Box 8457, Harrisburg, PA 17105-8457, 717-787-3483. TDD users may contact the Board through the Pennsylvania Relay Service, 800-654-5984. Appeals must be filed with the Environmental Hearing Board within 30 days of receipt of written notice of this action unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of Practice and Procedure may be obtained from the Board. The appeal form and the Board's rules of Practice and Procedure are also available in Braille or on audiotape from the Secretary to the Board at 717-787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decisional law.

IF YOU WANT TO CHALLENGE THIS ACTION, YOUR APPEAL MUST REACH THE BOARD WITHIN 30 DAYS. YOU DO NOT NEED A LAWYER TO FILE AN APPEAL WITH THE BOARD.

IMPORTANT LEGAL RIGHTS ARE AT STAKE, HOWEVER, SO YOU SHOULD SHOW THIS DOCUMENT TO A LAWYER AT ONCE. IF YOU CANNOT AFFORD A LAWYER, YOU MAY QUALIFY FOR FREE PRO BONO REPRESENTATION. CALL THE SECRETARY TO THE BOARD (717-787-3483).

DEPARTMENT REPRESENTATIVE	RECEIVING OFFICIAL
Signature: <u>Robert R. Berchtel</u>	The undersigned representative hereby acknowledges receipt of this order and attachment(s) hereto. This signature does not constitute an acknowledgement that any or all of the violations listed in this Order and attachment(s) hereto have occurred or continue to occur.
Name: <u>Robert R. Berchtel</u>	
Title: <u>Environmental Group Manager</u>	
Address: <u>230 Chestnut St</u> <u>Meadville PA 16335</u>	
Phone Number: <u>(814) 573-3610</u>	
Date: <u>7/21/2023</u>	Signature: <u>Harry L. Rhoades III</u>
	Name: <u>HARRY L. RHOADES</u> Date: <u>7-21-23</u> (Please Print)

_____ attached pages are part of this order for all purposes and shall be enforceable as such (as applicable).

EXHIBIT D

Wells with Unnecessary Equipment

Permit Number	Well Name and Number
121-44422	Lower Reno 4A
121-44465	Lower Reno 3A
121-44466	Lower Reno 5A
121-45433	Lower Reno 6
121-45434	Lower Reno 7
121-45435	Lower Reno 8
121-45437	Lower Reno 11
121-45440	Lower Reno 18