

## **Enclosure 1**

### **Instructions**

1. Please provide a separate response to each and every Question and subpart of a Question set forth in this Information Request. If you cannot provide the information requested or provide a complete response to a question, please provide an explanation. EPA would be receptive to working with you to develop a chart, matrix, or spreadsheet to streamline your responses to this Information Request. In the event you are interested, please coordinate with the contacts listed above.
2. Precede any answer with the number of the Question to which it corresponds.
3. If information or documents not known or not available to you as of the date of submission of a response to this Information Request should later become known or available to you, you must supplement your response to EPA. Moreover, should you find at any time after the submission of your response that any portion of the submitted information is false or misrepresents the truth, you must notify EPA of this fact as soon as possible and provide EPA with a corrected response.
4. For each document produced in response to this Information Request, indicate on the document, or in some other reasonable manner, the number of the Question to which it corresponds.
5. **Electronic Submittal.** Except for maps and diagrams, EPA requests that you submit your responses as one or more electronic files in native format on a CD or similar media storage device, provided your electronic files are accompanied by a letter that identifies the file software and version, file name(s), size(s), date(s), and time(s) of creation. The files on a CD or similar media storage device should be in a form that allows EPA to readily retrieve and utilize the information using commercially available software. If any information is contained in proprietary software, or any other format that is not easily understood, you must provide an easily understood format and include appropriate explanatory information to allow interpretation of the information.
6. In accordance with Enclosure 3, the information requested herein must be provided even though you contend that it includes possible confidential business information or trade secrets. You may, if you desire, assert a confidentiality claim covering part or all of the information requested in accordance with 40 C.F.R. Part 2, Subpart B by attaching to such information at the time it is submitted, a cover sheet, stamped or typed legend, or other suitable form of notice employing language such as "trade secret" or "proprietary" or "company confidential." Information covered by such a claim will be disclosed by EPA only to the extent, and only by means of the procedures set forth in the statutes and regulations set forth above. If no such claim accompanies the information when it is received by EPA, it may be made available to the public by EPA without further notice to

you. You should read the above cited statutes and regulations carefully before asserting a business confidentiality claim, since certain categories of information are not properly the subject of such a claim. If you desire to assert a claim of business confidentiality, please see Enclosure 3, *Business Confidentiality Claims/Disclosure to EPA Contractors & Grantees of Your Response*.

7. You must submit all requested information under the signature of an authorized representative certifying that the information is true and complete to the best knowledge of the certifying official after due inquiry. Knowingly providing false information, in response to this request, may be actionable under 18 U.S.C. §§ 1001 and 1341 or other statutory authorities. At the bottom of your response letter, please include the following certification:

CERTIFICATION:

I certify under penalty of law that I have personally examined and am familiar with the information submitted in pages one through \_\_, and that based on my inquiry of those individuals responsible for obtaining the information, I believe that the submitted information is true, accurate, and complete.

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Name and official title

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Signature

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Date signed

## **Enclosure 2**

### **Definitions**

All terms as used herein shall have the meaning as defined in the relevant statute. In addition, the following specific definitions shall apply to the following words as they appear in this Information Request.

1. **“Gas Extraction Wastewater”** shall mean all fluid generated during gas well drilling, hydraulic fracturing, and production, of any shale formation, including but not limited to drilling fluid, flowback fluid, and produced fluid.
2. **“Well”** shall mean any well owned or operated by you used for or related to natural gas production in EPA Region III. When used in plural, “Wells” as used herein shall mean all wells owned or operated by you in EPA Region III.
3. The term **“you”** shall mean the addressee of this Information Request, the addressee's officers, managers, employees, contractors, subcontractors, trustees, successors, assigns, and agents.
4. **“Hazardous Waste”** means a hazardous waste as defined by Section 1004(5) of RCRA, 42 U.S.C. § 6903(5).

## **Enclosure 3**

### **Business Confidentiality Claims**

You are entitled to assert a claim of business confidentiality covering any part or all of the submitted information, in the manner described in 40 C.F.R. Part 2, Subpart B. Information subject to a claim of business confidentiality will be made available to the public only in accordance with the procedures set forth in 40 C.F.R. Part 2, Subpart B. If a claim of business confidentiality is not asserted when the information is submitted to EPA, EPA may make this information available to the public without further notice to you. You must clearly mark such claimed information by either stamping or using any other such form of notice that such information is a trade secret, proprietary, or company confidential. To best ensure that your intent is clear, we recommend that you mark as confidential each page containing such claimed information.

### **Disclosure of Your Response to EPA Contractors and Grantees**

EPA may contract with one or more independent contracting firms (See "Enclosure 4") to review the documentation, including documents which you claim are confidential business information ("CBI"), which you submit in response to this information request, depending on available agency resources. The contractor(s) will be filing, organizing, analyzing and/or summarizing the information for EPA personnel. The contractors have signed a contract with EPA that contains a confidentiality clause with respect to CBI that they handle for EPA. Pursuant to Section 104(e)(7) of CERCLA, 42 U.S.C. Section 9604(e)(7), and EPA's regulations at 40 C.F.R. Section 2.310(h), EPA may share such CBI with EPA's authorized representatives which include contractors and cooperators under the Environmental Programs Assistance Act of 1984. (See 58 *Fed. Reg.* 7187 (1993)). If you have any objection to disclosure by EPA of documents which you claim are CBI to any or all of the entities listed in Enclosure 4, you must notify EPA in writing at the time you submit such documents.

## Enclosure 4

### List of Contractors That May Review Your Response

[rev. 1/2010]

Arctic Slope Regional Corporation  
Contract # EP-W-05-052  
Subcontractor: Booz-Allen & Hamilton

Booz-Allen & Hamilton  
Contract # GS-35F-0306J (GSA Schedule)

CDM-Federal Programs Corporation  
Contract # EP-S3-07-06  
Subcontractors: L. Robert Kimball & Associates Inc.  
Page Technologies Inc.  
Avatar Environmental LLC  
Terradon Corporation

Chenega Global Services, LLC  
Contract #EP-S3-09-02

EA Engineering, Science and Technology, Inc.  
Contract #EP-S3-07-07  
Subcontractor: URS

Eastern Research Group, Inc. (ERG)  
14555 Avion Parkway Suite 200  
Chantilly, VA 20151  
Contract #EP-W-09-033  
WA #ETS-0-11(CE)

Eisenstein Malanchuck, LLP  
Contract #EP-W-07-079  
Subcontractors: R. M. Fields International, LLC  
James C. Hermann & Associated  
MacRae & Company, Inc.

Guardian Environmental Services  
Contract # EP-S3-07-02  
Subcontractor: Aerotech, Inc.

## Guardian Equipment

Hydrogeologic (HGL)

Contract #EP-S3-07-05

Subcontractor: CH2MHill  
Sullivan International

Kemron

Contract # EP-S3-07-03

Subcontractor: Clean Venture/Cycle Chem Inc.  
CMC Inc.  
Los Alamos Technical Associates, Inc.  
Carlucci Construction

Tetra Tech EM, Inc.

Contract #EP-S3-05-02

Tech Law, Inc.

Contract #EP-S3-05-03

Tetra Tech NUS, Inc.

Contract #EP-S3-07-04

WRS Infrastructure & Environment, Inc.

Contracts # EP-S3-07-01 and #EP-S3-07-09

Subcontractors: AEG Environmental  
Environmental Staffing  
Veolia Environmental Services  
Lewis Environmental Group

Industrial Economics, Inc.

Contract # EP-W-06-092

## **INFORMATION REQUIRED**

**EPA requires that you provide the following information based on one or more of the aforementioned information gathering authorities:**

1. Provide a list identifying each state permitted Well that you own or operate in EPA Region III and include the latitude and longitude for each Well and identify whether each well is actively being drilled, is completed, or is producing natural gas.
2. Provide all Pennsylvania "26R" forms completed and submitted to the Commonwealth of Pennsylvania for all Gas Extraction Wastewaters associated with your Wells for the calendar year 2010, including complete Chemical Analysis Attachments associated with each.
3. For the period of April 19, 2011 to present, identify your Gas Extraction Wastewater management activities, including disposal, reuse, treatment, recycling, and reclamation for your Wells. In so doing, provide the following:
  - a. For each Well, the actual or estimated amount of Gas Extraction Wastewater generated;
  - b. For each facility that has received your Gas Extraction Wastewater, including but not limited to, underground injection wells, wastewater treatment plants, and recycling facilities, provide the name and address for each such facility, the name and address of any entity that transported your Gas Extraction Wastewater to each facility, and the volume (in gallons) of such Gas Extraction Wastewater sent to each such facility;
  - c. The total volume (in gallons) of Gas Extraction wastewater that you treated and recycled or caused to be treated or recycled for all your Well sites;
  - d. A description of the method or methods by which you or any third party recyclers recycled such Gas Extraction Wastewater; and
  - e. All modified disposal plans that you submitted after April 19, 2011 to the Commonwealth pursuant to the Pennsylvania Code Title 52 Section 78.55.
  - f. Describe your use of pits, lagoons, impoundments or other land-based units for the storage or disposal of such Gas Extraction Wastewater associated with your gas extraction activities.
  - g. Provide the latitude and longitude for all pits, lagoons, impoundments or other land based units used for the storage of Gas Extraction Wastewater associated with your gas extraction activities.
4. Identify your intentions for disposal, reuse, treatment, recycling, and reclamation of Gas Extraction Wastewater after May 19, 2011, including your expected methods and location for disposal, treatment, or recycling during calendar year 2011. Provide the expected percentage of your Gas Extraction Wastewater by disposal, treatment, or recycling method.
5. Submit quarterly reports to EPA on your waste disposal and recycling practices commencing on July 1, 2011 and continuing on a quarterly basis thereafter until June 30, 2012,

for a total of four (4) reports. Such quarterly reports shall include the following information for the prior quarter:

a. For each Well, the actual or estimated volume (in gallons) of Gas Extraction Wastewater generated;

b. For each facility that has received your Gas Extraction Wastewater, including but not limited to, underground injection wells, wastewater treatment plants, and recycling facilities, provide the name and address for each such facility, the name and address of any entity that transported your Gas Extraction Wastewater to each facility, and the volume (in gallons) of such Gas Extraction Wastewater sent to each such facility;

c. The total volume (in gallons) of Gas Extraction wastewater that you or any third parties treated and recycled or caused to be treated or recycled for all your Well sites;

d. A description of the method or methods by which you or any third party recyclers recycled such Gas Extraction Wastewater; and

e. Describe your use of pits, lagoons, impoundments or other land-based units for the storage or disposal of such Gas Extraction Wastewater for your gas extraction activities.

f. Provide the latitude and longitude for all pits, lagoons, impoundments or other land based units used for the storage of Gas Extraction Wastewater associated with your gas extraction activities.

6. Identify any and all discharges or releases of any substances, wastes, and/or Gas Extraction Wastewater from facilities that contain Wells that you own or operate and all media (air, water, or land) that were affected by such discharges or releases and the estimated quantities of all substances discharged or released for the past five (5) years.