



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY (USEPA)
STATEMENT OF BASIS FOR DENIAL OF UNDERGROUND INJECTION CONTROL (UIC)
PERMIT APPLICATION**

Permit Number: MI-123-2D-0008

Facility Name: State Goodwell #2-8 SWD

Benelli Oil, LLC of Grand Rapids, Michigan has applied for a USEPA permit for the State Goodwell #2-8 SWD injection well to be used for noncommercial brine disposal in Newaygo County, Michigan.

Pursuant to Title 40 of the Code of Federal Regulations (40 CFR) ' 144.31, an applicant for a UIC permit is required to submit a complete permit application within a specified time period. In addition, at 40 CFR ' 124.3(d), if an applicant fails or refuses to do so, the permit may be denied and appropriate enforcement action may be taken under Sections 1423 and 1424 of the Safe Drinking Water Act.

In this case, Benelli Oil, LLC was notified of permit application deficiencies in writing on March 4, 2009, and given 30 days to submit the deficient material. Benelli Oil, LLC was again notified on May 28, 2009, that its continued failure to submit a complete permit application would result in the public notice of a permit denial.

In accordance with the provisions of the Safe Drinking Water Act, as amended (42 U.S.C. ' 300 et seq., commonly known as the SDWA and attendant regulations incorporated by the USEPA under Title 40 of the Code of Federal Regulations at Parts 124, 146 and 147, the USEPA intends to deny a permit application for the well mentioned above.

Questions, comments and requests for additional information or for a public hearing may be submitted in writing to the contact person listed below or made verbally to Patrick Saieh at (312) 886-4240. The public comment period on this draft permit application denial will close thirty (30) days after the date of the public notice. If the USEPA receives written comments of substantial public interest that warrants a hearing on this action, a public notice of a scheduled hearing will be published locally and mailed to interested parties.

To preserve your right to appeal any final permit decision that may be made in this matter under 40 CFR Part 124, you must either participate in the public hearing or send in written comments on the draft permit decision. The first appeal must be made to the Appeal Board; only after all agency review procedures have been exhausted may you file an action in the appropriate Circuit of Appeals for review.

**United States Environmental Protection Agency
Region 5 (WU-16J)
77 West Jackson Boulevard
Chicago, Illinois 60604**

**Attn: Lisa Perenchio, Chief
Direct Implementation Section**

**Lisa Perenchio, Chief
Direct Implementation Section**



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

REPLY TO THE ATTENTION OF:
WU-16J

CERTIFIED MAIL 7001 0320 0006 0189 1419
RETURN RECEIPT REQUESTED

Mr. Joseph L. Maggini
Benelli Oil, LLC
4242 Clay Avenue, SW
Grand Rapids, Michigan 49548

Re: Notice of Intent to Deny a Permit Application

Dear Mr. Maggini:

Pursuant to 40 C.F.R. 124.6, you are hereby notified that I have tentatively decided to deny your permit application for the following Class II well:

Newaygo County: T14N, R11W; S8, NE/4, SE/4, SW/4;
EPA Permit MI-123-2D-0008 (State Goodwell #2-8 SWD, MDEQ Permit # 36644)

The reason for my decision is set forth in the accompanying Statement of Basis. This notice will be the subject of a public notice. A final permit decision on this notice will not be made until the public has had 30 days to comment on this notice of intent.

To preserve your right to appeal any final permit decision that may be made in this matter under 40 C.F.R. Part 124, you must either participate in a public hearing or send in written comments on the draft permit decision. The first appeal must be made to the Appeal Board; only after all agency review procedures have been exhausted may you file an action in the appropriate Circuit Court Appeals for review.

Please contact Patrick Saieh of the Underground Injection Control Branch at (312) 886-4240, if you have any questions.

Sincerely yours,

Tinka G. Hyde
Director, Water Division



**United States
Environmental Protection
Agency, Region 5**

**77 West Jackson Boulevard
Chicago, Illinois 60604-3590
Mail Code WU-16J**

Water Division

Underground Injection Control Branch

PUBLIC NOTICE

JULY 20 2009

The purpose of this notice is to solicit written comments on the proposal by the Region 5 office of the United States Environmental Protection Agency (USEPA) to deny a permit application to inject fluids underground via Class II injection well.

BACKGROUND

The Safe Drinking Water Act requires us to regulate injection of fluids through wells to protect the quality of underground sources of drinking water. This is done in part by issuing permits to owner/operators of underground injection wells. The regulations governing underground injection wells are at Title 40 of the Code of Federal Regulations (40 C.F.R.) Parts 144 and 146. The procedure for the permit process is at 40 C.F.R. § 124.5. More information about our program is on the internet at: <http://www.epa.gov/r5water/uic>

FACTS

The Class II well for which the USEPA has tentatively decided to deny this permit application is to be owned and operated by Benelli Oil, LLC of Grand Rapids, Michigan. The permit application is to be denied pursuant to Underground Injection Control regulations at 40 CFR ' ' 124.3(d) and 124.6(b). The basis for this decision is failure to correct deficiencies in the permit application as required by 40 CFR ' 124.3(d).

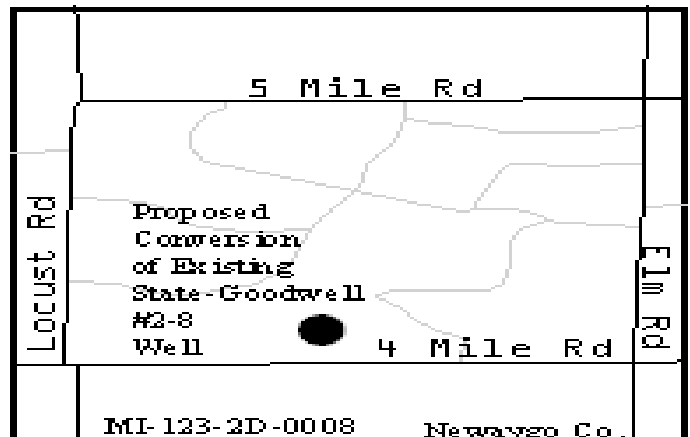
**Location: Newaygo County, Michigan
NE 1/4, SE 1/4, SW 1/4; Section 8, T14N,
R11W (see Map)**

EPA Permit #MI-123-2D-0008

Well Name: State Goodwell #2-8 SWD

MDEQ Permit: 36644

**Permit Writer: Patrick Saieh (312) 886-4240
or saieh.patrick @epa.gov via the internet.**



Copy of the draft denial Statement of Basis is available for viewing at: **Newaygo Carnegie Library, 45 North State Road, P.O. Box 427, Newaygo, Michigan; Monday -Wednesday 1 p.m. to 8 p.m., Tuesday -Friday 10 a.m. to 12 p.m., 1 p.m. to 5:30 p.m. and Thursday 10 a.m. to 12 p.m., 1 p.m. to 5**

p.m. The draft denial Statement of Basis is also on the internet at: <http://www.epa.gov/r5water/uic>

Send your written comments to the Permit Writer at the Internet address listed above, or to this address:

U.S. Environmental Protection Agency
DI Section (Attn: Lisa Perenchio)
77 West Jackson Boulevard, (WU-16J)
Chicago, Illinois 60604-3590

We must receive your comments by close of business on the 30th day after the date at the top of this notice. During the public comment period, you may request a public hearing in writing. You must state the issues you propose to raise at the hearing. If we receive many comments on this draft permit decision, we will hold a hearing, and publish a notice of the hearing at least 30 days before the hearing. If there is a hearing, you may make your comments then. We will consider all comments received and then issue a final permit decision.

If you wish to visit the Region 5 office, please call the Permit Writer first. The office is at the address listed above, and is open between the hours of 9 a.m. and 4 p.m. You may view the administrative record, including all data submitted by Benelli Oil, LLC, at the Region 5 office.