



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**  
**REGION 10**  
1200 Sixth Avenue, Suite 155  
Seattle, WA 98101

WATER DIVISION

November 3, 2022

**DELIVERED BY ELECTRONIC-MAIL**

Mr. Richard Brown  
Manager  
Snake River Oil and Gas, LLC  
117 East Calhoun  
P.O. Box 500  
Magnolia, Arkansas 71753

Re: Final Issuance: Underground Injection Control (UIC) Permit No. ID-2D001-A and Aquifer Exemption for a Portion of the Willow Sands

Dear Mr. Brown,

The U.S. Environmental Protection Agency (EPA) is issuing a final Safe Drinking Water Act Underground Injection Control (UIC) Permit ID-2D001-A to Snake River Oil and Gas, LLC (SROG). EPA is also issuing an Aquifer Exemption (AE) for a portion of the Willow Sands identified as the injection interval for proposed injection well DJS 2-14. Injection may not commence until these actions go into effect on the date stated in the permit. This letter serves two purposes: first, as notice of the issuance of the final Class II UIC Permit ID-2D001-A, and second, to document the final AE decision made by EPA.

SROG submitted an initial permit application and request for an Aquifer Exemption on March 4, 2020. EPA issued a draft permit for public review and comment on January 14, 2022. The initial public comment period was extended in response to requests through March 30, 2022. EPA has reviewed and considered all comments submitted to the Agency. In accordance with 40 C.F.R. Part 124, EPA developed a Response to Comments document that provides responses to all significant comments and specifies provisions of the draft permit changed because of comments received. Based on the nature of comments received, EPA has made four changes to the draft permit. Please review the Response to Comments enclosed with this letter for more information.

The Final UIC Permit ID-2D001-A enclosed with this letter will become effective on the date stated in the permit. Any appeal to this permit must follow the requirements of 40 C.F.R. § 124.19. Information about the administrative appeal process may be obtained at [www.epa.gov/eab](http://www.epa.gov/eab) or by contacting the Clerk of the Environmental Appeals Board at 202-233-0122.

**APPROVAL OF PROPOSED AQUIFER EXEMPTION:**

As enacted by this letter, EPA is issuing an Aquifer Exemption for a portion of the Willow Sands from status as an Underground Source of Drinking Water (USDW) pursuant to the Safe Drinking Water Act. The issuance of this status change is made along with the decision to issue UIC Permit ID-2D001-A and is considered a non-substantial Aquifer Exemption since it is associated with a single injection well permit and does not pose a state-wide impact.

The extent of the Willow Sands aquifer that is exempt from status as a USDW matches the expected size and extent of confined reservoir fluids to be emplaced in the subsurface by the operation of well DJS 2-14 as controlled by UIC Permit ID-2D001. This Aquifer Exemption is the size of a confined block (i.e., "Block E") of the Willow Sands, a geologic structure created by the intersection of naturally occurring faults. The vertical extent of this Aquifer Exemption is limited to a portion of the Willow Sands contained within Claystones 2/3 and 6/7, which occur at depths of 4,908 feet and 5,500 feet below ground, respectively, at the location of DJS 2-14. Consistent with 40 C.F.R. § 146.4, the portion of the Willow Sands aquifer proposed for exemption does not currently serve as a source of drinking water and cannot now and will not in the future serve as a source of drinking water because it is situated at a depth or location which makes recovery of water for drinking water purposes economically or technologically impractical. The aquifer is also so contaminated that it would be economically or technologically impractical to render water fit for human consumption. Additional details surrounding the size of this delineation and the criteria used to reach this decision are included in the Final Record of Decision for the Aquifer Exemption, enclosed with this letter. This Record of Decision remains unchanged from the version issued at the start of the public comment period, other than minor grammatical changes needed to clarify that the decision is now final. This decision will become effective on the date the permit becomes effective unless a challenge is submitted.

Aquifer Exemptions may be challenged under Section 1448(a)(2) of the SDWA (42 U.S.C. § 300j-7(a)(2)). The statute of limitations for the right of appeal regarding any determination made related to the Aquifer Exemption is controlled by 40 C.F.R. § 23.7 and SDWA Section 1448(a)(2).

If you any questions regarding this process, please contact Karen Burgess at [burgess.karen@epa.gov](mailto:burgess.karen@epa.gov) or (206) 553-1644.

Sincerely,

Mathew J. Martinson  
CAPT, USPHS  
Branch Chief, Permitting, Drinking Water &  
Infrastructure

Enclosures: Final Permit, ID-2D001-A  
Response to Comments: ID-2D001-A  
Aquifer Exemption for a Portion of the Willow Sands, Record of Decision (Final)

cc: Gary Spackman, Director, Idaho Department of Water Resources  
Jess Byrne, Director, Idaho Department of Environmental Quality  
Dustin Miller, Director, Idaho Department of Lands  
Claudio Berti, Director, Idaho Geological Survey  
Nate Fisher, Special Assistant in Governor Brad Little's Office  
Chris Shaver, State Historic Preservation Officer  
Sandi Fisher, Assistant State Supervisor, U.S. Fish and Wildlife Service  
Travis Stone, Land Use Director, Shoshone-Bannock Tribes of the Fort Hall Reservation