



## REGION 8

DENVER, CO 80202

Ref: 8WD-SDU

**SENT VIA EMAIL**  
**DIGITAL READ RECEIPT REQUESTED**

Mr. Joe Scott  
Natural Resources Supervisor  
Wyoming Oil and Gas Conservation Commission  
joe.scott@wyo.gov

Re: Underground Injection Control Program Aquifer Exemption Denial for Aethon Energy Operating LLC, Marlin 29-21 WDW, Fremont County, Wyoming

Dear Mr. Scott:

The U.S. Environmental Protection Agency Region 8 has reviewed the aquifer exemption request received electronically on July 29, 2022 for the designation of a portion of the aquifers listed below as exempted aquifers.

This request is in conjunction with the Class II disposal well permit application submitted by Aethon Energy Operating LLC for disposal of produced fluids into the Amsden and Madison Formations through the Marlin 29-21 WDW well in Fremont County, Wyoming.

**DENIAL OF PROPOSED AQUIFER EXEMPTION:** Based on review of the information provided by the Wyoming Oil and Gas Conservation Commission and additional information in the administrative record, the EPA is denying a non-substantial program revision (40 CFR §§ 144.7 and 145.32) to exempt a portion of the Amsden and Madison Formations. The extent and depth of the requested aquifer exemption are as follows:

Description: A radial distance of three (3) miles from the wellbore of the subject well

Area: 18,096 acres (28.3 square miles)

Approximate measured depth to top of the exempted aquifer: 14,795 feet

Approximate measured depth to bottom of exempted aquifer: 15,365 feet

Based on review of the information provided, the EPA finds that the proposed injection zone in the Amsden and Madison Formations does not meet the aquifer exemption criterion under 40 CFR § 146.4(b)(2) that it 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. Additional considerations described in the Record of Decision (ROD) provide further support and an additional discretionary basis for the EPA to maintain existing Safe Drinking Water Act protections for the Amsden and Madison Formations at the Marlin 29-21 WDW well.

Please find enclosed the ROD and accompanying Climate, Environmental Justice and Tribal Interest Analysis document. If you have questions or concerns, please contact Chris Brown of my staff at (303) 312-6669 or [Brown.Christopher.T@epa.gov](mailto:Brown.Christopher.T@epa.gov).

Sincerely,

Douglas Minter, Manager  
Safe Drinking Water Branch  
Water Division

Enclosures