

NOW IS NOT THE TIME for the EPA to give up control of Michigan's toxic injection wells!

April 15, 2021

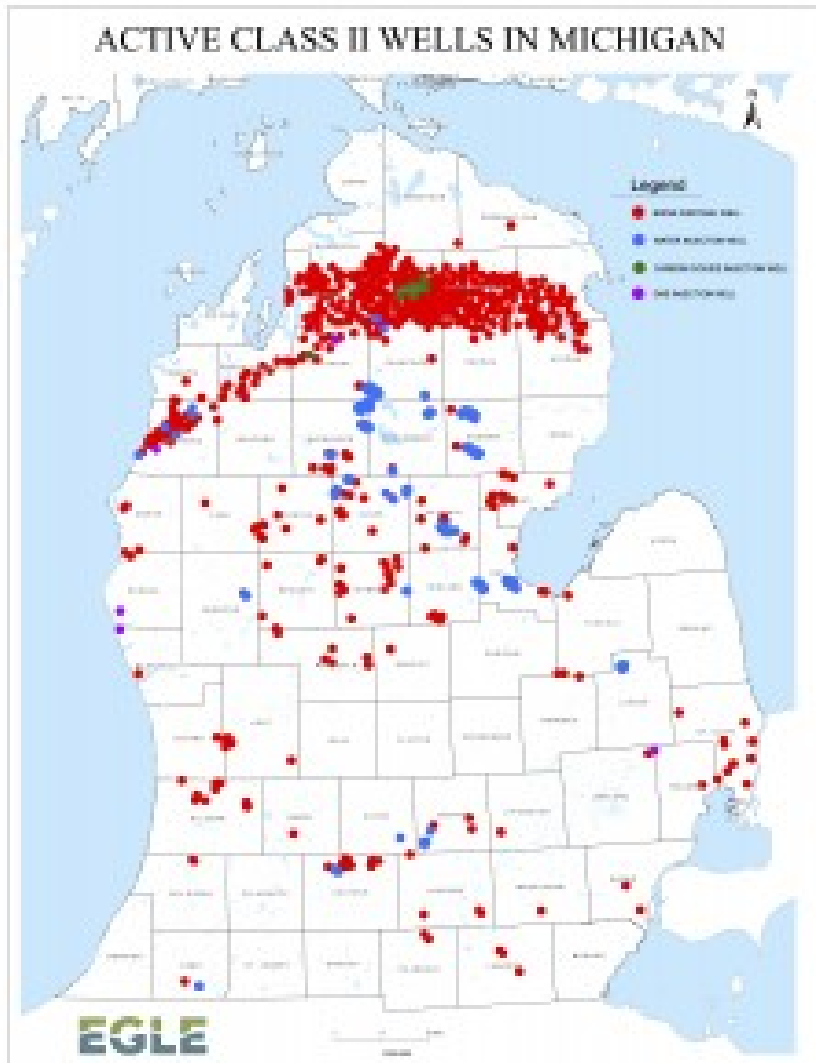
ACTION ALERT FROM BAN MICHIGAN FRACKING

Please write the EPA today!

Michigan's Oil, Gas and Minerals Division of the Department of Environment, Great Lakes and Energy, (EGLE, formerly the DEQ) applied to the EPA for total control over oil and gas injection wells.

Now it's been revealed that a top-level employee in the Oil, Gas and Minerals division responsible for compliance and enforcement [is charged with embezzling](#)—to the tune of over \$1.5 million.

EGLE's "primacy" application to the EPA completely omitted the required section asking the State of Michigan to detail its history of compliance and enforcement, what violations there have been, contamination reports, well



casing failures, and citizen complaints. None of it is there. The public, and the EPA, know NOTHING about whether the State is properly enforcing the laws and actually protecting Michigan's underground drinking sources! Yet, EPA has approved Michigan's application.

The whole process has not been transparent. EPA held a public hearing last May 2020. EPA's public notice system was inadequate and interested individuals and organizations interested in injection wells in Michigan were not noticed directly. Consequently, no Michigan residents showed up or wrote in opposition.

Just the gas and oil industry did! The industry is ecstatic about the idea of EGLE being totally in charge of injection wells filled with toxic oil and gas wastes! Yet thousands of Michigan residents have shown up at EPA hearings in Michigan cities and townships over injection wells proposed for

their community over the years.

ACTION NEEDED by April 19:

Write a simple “public comment” to the EPA today to stop the handover of these toxic wells to Michigan’s Department of Environment, Great Lakes and Energy.

When: Deadline for submitting comments is April 19, 2021.

What to do:

Go to the Federal Register webpage for public comments on Michigan’s Primacy Application to the EPA here:

<https://www.federalregister.gov/documents/2021/03/19/2021-05436/state-of-michigan-underground-injection-control-uic-class-ii-program-primacy-approval>

Hit the Green “Submit a Formal Comment” button at the upper right, and a form will appear. Put your comments in the box for comments. You can upload files as attachments if you wish. Provide your email. Click the correct button if you are submitting comments as an individual or an organization. Best not to comment anonymously, it will be ignored.

You can read the Primacy Application, download it here at
<https://www.regulations.gov/document/EPA-HQ-OW-2020-0595-0004>

You can read all the 20 supporting documents on the website.

Suggested Comments & Talking Points:

1. I object to the State of Michigan's Underground Injection Control Class II (UIC) Program for primacy and EPA’s determination that the State's program is consistent with the provisions of the Safe Drinking Water Act (SDWA) at Section 1425 and the EPA’s granting of Michigan’s application.
- [2. *If you have been receiving notifications from the EPA regarding injection well permits, and did not receive notification from EPA about the public hearing held last May 27, 2020, state that.*]**
3. I request a new public comment period and that a new public hearing take place.
4. I request that the EPA publish a timely withdrawal in the Federal Register informing the public that the rule on Michigan’s primacy application will not take effect.

5. I object to Michigan's proposed rule about public hearings. No notice about a proposed injection well would be publicized in a newspaper. The notice given only to nearby landowners would not even mention that a person can request a public hearing, or how they can do so. Worse, it will be virtually impossible for anyone to ever get Michigan Department of EGLE to hold a public hearing because to request one, you must also submit a written comment that has "substance" and "relevance" to the underground injection well criteria, and only the Supervisor of Wells would make that decision before a hearing is granted. This is too high a burden to get a public hearing. EPA's public hearing process is by law much better: if there is "significant public interest" in holding a hearing, EPA will hold one, and a person does not need submit a comment ahead of that request for a hearing. Michigan's rules do not meet the EPA's own criteria for public participation and cannot be approved. Michigan residents need a real way to participate in these significant decisions affecting our groundwater!

6. I understand that a major portion of the required sections of the Application for Primacy were completely missing in the application: the section detailing the past history of how Michigan has conducted its oil and gas program, its past practice in the use of enforcement tools such as fines and citations, its history with repeat violators, well failure rates, and cases of contamination of underground water spruces based on actual field work and citizen complaints. Without any of that in the application, the public has no way of knowing whether Michigan has an "effective" Underground Injection Control program under the Safe Drinking Water Act, and neither does EPA. EPA cannot grant approval of primacy.

7. The embezzlement charges brought by Michigan's attorney general against a high-level compliance and enforcement supervisor, and the Department's incompetence not discovering this for years, combined with the lack of any information in Michigan's application about the history of Michigan's enforcement and compliance with the federal Safe Drinking Water Act, demands that EPA pull Michigan's application.

8. At a future EPA public hearing and comment period I wish to comment on concerns that I have regarding the Underground Injection Control Program, including any number of subjects that might affect our underground sources of drinking water, surface waters, and public health, including the State of Michigan's undermining and circumventing of this program by allowing oil and gas wastes ("brine") from oil and gas drilling and recovery operations on Michigan's roads for ice and dust control.

9. [Add whatever other comments you wish, especially about injection well issues in your area.]

The map accessed here: [OilAndGasWellsInMichigan WMU](#) can be enlarged to see the over 1,460 Class II injection wells (in blue) in Michigan. Any existing production oil/gas well can also be converted into injection wells. Injection wells are use for disposal of oil and gas industry wastes—very toxic stuff—and also for "enhanced oil recovery" and "enhanced gas recovery" and even CO2 injection for the purpose of getting every bit of oil and gas out of the ground.

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Ban Michigan Fracking

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