

STATE OF OKLAHOMA
WATER RESOURCES BOARD
www.owrb.ok.gov

August 15, 2017

CERTIFIED MAIL, RETURN RECEIPT REQUESTED

Dr. Janet Neufeld, Superintendent
Pawhuska Public Schools
1801 McKenzie
Pawhuska, Oklahoma 74056

RE: Geothermal Wells serving Pawhuska High School in Osage County, Oklahoma

NOTICE OF VIOLATION

Pursuant to the Oklahoma Groundwater Law, 82 O.S. § 1022.22, and the Oklahoma Administrative Code ("OAC"), this is to provide you a notice of a finding by the Oklahoma Water Resources Board ("OWRB") of alleged non-compliance with statute(s), and/or rule(s).

The OWRB is a "groundwater protection agency" required to develop groundwater protection practices to prevent groundwater contamination from activities within its jurisdictional area of environmental responsibility. See 27A O.S. § 1-1-202(C). The OWRB is responsible for activities involving water or geothermal well drillers licensing, water or geothermal well construction, groundwater protection for activities related well construction and water use permits, among other areas of responsibility, see 27A O.S. § 1-3-101(C), and is authorized to prevent any user of fresh groundwater from committing waste by permitting or causing the pollution of a fresh water strata or basin through any act which will permit fresh groundwater polluted by minerals or other waste to filter or otherwise intrude into such a basin or subbasin. See 82 O.S. § 1020.15(A)(7).

The Board is authorized to take steps to assure that the waste ceases, including but not limited to pursuing voluntary compliance, issuing a cease and desist order, instituting action in a court of competent jurisdiction to enjoin the waste, pursuing administrative remedies by the Board, and filing a criminal complaint in the district court of the county wherein such violation has occurred. See 82 O.S. § 1020.15(B). Moreover, "[i]f the Board determines that the public health, safety or welfare requires emergency action, it shall . . . order such emergency remedial measures as are deemed necessary to prevent pollution to waters of the state or other public harm." OAC 785:35-3-3(c)(1).

1

On the afternoon of August 14, 2017, the OWRB received information that methane gas was seeping from two (2) geothermal wells serving Pawhuska High School, located at 621 E. 15th Street, Pawhuska, Oklahoma 74056. It appears that these two (2) wells are part of a geothermal system used for heating and/or cooling the facility, and were completed approximately twenty-two (22) years ago.

ISSUE

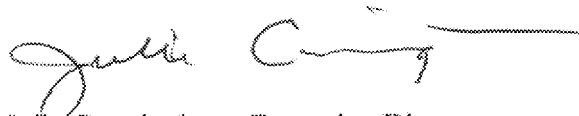
OAC 785:35-7-1(a)(3), Proper maintenance, plugging and capping, provides:

The well driller and/or the well owner are charged with the responsibility of taking whatever steps are reasonable in a particular situation to guard against waste and contamination of the groundwater resources, and to see that unused wells are properly capped or plugged.

The OWRB alleges that the two (2) methane seeping geothermal wells described above are in violation of OAC 785:35-7-1(a)(3). In order to correct the alleged violations, certain remedial actions must be completed. These remedial actions include having the two (2) seeping geothermal wells plugged by a professional well driller licensed by the OWRB. These wells must be plugged in accordance with the "Plugging and Capping Requirements for Wells and Test Holes" set forth in OAC 785:35-11. OWRB staff is working with Pawhuska Public Schools to ensure that these wells are properly plugged by a licensed well driller as expeditiously as possible.

Thank you for bringing this matter to our attention. If you have any questions regarding this matter or the requirements of this Notice, or if the OWRB may be of any additional assistance in resolving this matter, please do not hesitate to contact us.

Sincerely,



Julie Cunningham, Executive Director
Oklahoma Water Resources Board