DeepRock Commercial River Dock Response to Public Comment

USACE LRH-2020-293-OHR

Date: Saturday, May 16, 2020

Background

DeepRock Disposal Solutions, LLC (DeepRock) submitted a request for authorization from the U.S. Army Corps of Engineers (USACE) under Title 33 of the Code of Federal Regulations (CFR), *Navigation and Navigable Waters*. DeepRock operates an approved Class II injection well facility located at 20225 SR 7, Marietta, Ohio 45750. The property includes an associated commercial river dock located on the Ohio River and immediately across from the facility at 20220 SR 7, Marietta, Ohio 45750. The commercial river dock has not been in use or operation for several years. DeepRock is seeking to reactivate the commercial river dock in order to provide means for the offloading of Class II wastewater to the facility. The wastewater will be transferred from the commercial dock via pipeline to existing upland storage tanks for disposal through DeepRock's approved Class II injection well facility. The ability to transport wastewater via barge will greatly reduce current over-the-road transport of the wastewater and therefore minimize adverse impact to the environment. In addition, the existing commercial river dock will not require any subaquatic construction, repair or dredging and will therefore not have any impact on aquatic ecosystems.

Timeline

On March 29, 2020, DeepRock submitted the request for authorization from the U.S. Army Corps of Engineers (USACE) under Title 33 of the Code of Federal Regulations (CFR), *Navigation and Navigable Waters*. USACE received the application request on March 30, 2020. On April 7, 2020, the application request was posted for Public Comment / Public Interest Review. On May 6, 2020 the public comment period expired. On May 8, 2020 the USACE provided DeepRock a summary and all associated letters received during the public comment period. This document serves as response to the various topics on which the public made comment.

Response to Public Comment Document Format

The following provides DeepRock's response to the comments and questions submitted by the public relative to reactivating a commercial river dock. The main topic is listed and numbered as the heading throughout the document. Following each subject topic heading is a comment box which attempts to capture the questions or comment regarding each subject topic submitted by an individual or group. Following the comment box is DeepRock's response to the comments in terms of the proposed project to reactivate the existing commercial river dock. It is important to note that several comments and/or questions submitted by the public referred to the operation of DeepRock's approved Class II injection well facility and not the actual proposed project that was under public review.

1. Spill Prevention

Public Comment(s): The public notice provides no information regarding spill prevention. The proposed project for use of an existing commercial river dock for offloading wastewater will pose unnecessary risk for spills resulting in further contamination. W*hat regulation will govern the inspection of any tank or tanks that may be used to store any type of product?*

The proposed project involves the reactivation of an existing commercial river dock which will be operated to offload wastewaters approved for DeepRock's Class II injection well facility (i.e., brine water, produced water). The commercial river dock will be required to operate under various federal, state and local regulatory requirements for the prevention of spills. It is important to note that there are not any aboveground (or underground) storage tanks associated with the proposed project for the reactivation of the existing commercial river dock.

The commercial river dock will be included in DeepRock's Facility Response Plan (FRP) required under 40 CFR Part 112, Spill Prevention, Control and Countermeasure (SPCC) rule. The purpose of the Spill Prevention, Control, and Countermeasure (SPCC) rule is to help facilities prevent a discharge of oil into navigable waters or adjoining shorelines. This rule is part of the U.S. Environmental Protection Agency's (US EPA) oil spill prevention program and was published under the authority of Section 311(j)(1)(C) of the Federal Water Pollution Control Act (Clean Water Act) in 1974. Under these regulations a facility has to maintain a written plan which is certified by a professional engineer and approved by Region V – Ohio of the US EPA. Under this program DeepRock is required to implement and maintain the following for the prevention of spills:

- Maintain specific operating procedures to prevent spills;
- Conduct vulnerability assessment and determine worst-case spill scenarios;
- Implement control measures to prevent spills from entering navigable waters or adjoining shorelines;
- Provide countermeasures to contain, cleanup, and mitigate the effects of a spill that has impacted navigable waters or adjoining shorelines; and,
- Initiate routine and frequent inspections, monitoring, training, emergency drills to ensure the program is effective.

DeepRock currently operates under a certified and US EPA approved SPCC-Facility Response Plan for the Class II injection well facility, which also includes the provisions for the operation of the proposed associated commercial river dock.

In addition to the requirements under the USEPA's SPCC Rule (40 CFR Part 112), DeepRock will also be required to implement and maintain a Facility Security Assessment (FSA) and Facility Response Plan (FRP) approved by the US Coast Guard and under the legal requirements specified in 33 CFR Part 105. Under this program DeepRock will be required to maintain the following for the prevention of spills:

- Limit access and entry at the dock to only personnel who carry a Transportation Worker Identification Credential (TWIC). This is a person that has been vetted and certified by the Transportation Security Administration (TSA) under the US Department of Homeland Security. Limit access and entry at the dock to only employees trained under the requirements of 33 CFR Part 105 as well as the FSA and FRP;
- Certified training for employees designated to fulfill responsibilities as Facility Security Officer(s);
- Maintain specific operating procedures to prevent spills or security incidents; and,
- Undergo facility security assessment (FSA) conducted by an approved, third-party organization.

Both the USEPA and USCG spill prevention programs require routine and frequent training, inspections and execution of emergency response drill scenarios to test the effectiveness of the facility's associated written programs. As required under Title 33 CFR 105, the USCG will be monitoring and inspecting DeepRock's facility to confirm compliance with all pertinent regulations.

2. Emergency Response

Public Comment: The public notice does not provide information regarding emergency response.

In addition to the spill prevention requirements the DeepRock commercial river dock must also meet emergency response requirements under the Occupational Safety and Health administration (OSHA) for the protection of workers and the workplace. DeepRock must comply with 29 CFR 1910.38 for the planning and implementation of written emergency action plans. This requires DeepRock to develop emergency procedures for response to incidents that can occur in the workplace. This includes incidents such as fires, spills, injuries, but also requires specific written procedures for such incidents as power outages, disgruntled employees, various weather conditions, fatigue, chemical hazards, and others. Employees are trained on these procedures.

DeepRock must comply with OSHA's Hazardous Waste Operations Emergency Response (HAZWOPER) under 29 CFR 1910.120. This OSHA standard requires DeepRock to develop and implement emergency response plans for emergencies involving hazardous substances and to which employees are expected to respond. All affected DeepRock employees are trained to the operations level under the HAZWOPER requirements.

In addition to the required written plans for spill prevention and emergency response, DeepRock must also meet OSHA, EPA and USCG requirements for maintaining emergency response equipment, facility inspections and emergency response drills. DeepRock conducts regular emergency drills to ensure

employees understand their responsibilities and procedures for which they are trained on. As required under Title 33 CFR 105, the USCG will also be monitoring and inspecting DeepRock's facility to confirm compliance with all pertinent regulations.

3. Radiation Protection

Public Comment: The proposed change of the existing use would be a conduit for tons of radioactive oil and gas wastewater to travel on the Ohio River and into a site already riddled with environmental problems. The public notice does not provide information regarding emergency response.

The proposed project involves the reactivation of an existing commercial river dock. The dock is associated with DeepRock's Class II injection well facility located at State Route 7, Marietta, Ohio. DeepRock has not had any environmental violations or citations during any year of operation. The proposed project will involve the offloading of Class II wastewaters and transferred via an existing pipeline to upland storage facilities.

The wastewaters may contain naturally occurring radioactive material (NORM). Through the drilling or production process this NORM is brought to the surface along with the oil and gas that is extracted. Increased industry awareness and understanding of the problem along with extreme government regulatory efforts have provided control of oil-field NORM wastes and have greatly reduced the radiation exposure to workers and the public. Management of the present inventory of stored oil-field NORM waste and options for its disposal are designed to reduce radiation hazard to the general public. Oilfield fluid disposal is regulated by the ODNR DOGRM, pursuant to Ohio Revised Code (ORC) 1509.22. Disposal is typically limited to Class II underground injection. Processing and transfer of wastewaters is conducted through enclosed piping and tank systems. Operators of drilling and production wastes are required to certify and characterize the oil-field waste to ensure proper disposal.

4. Quantities, Origins, and Types of Waste to be Received

Public Comment: Will the traditional well waste come from only Ohio well sites. If not, what other states might utilize this facility? Will any other country be able to dispose of waste in these wells? Since Route 60 runs in front of our house, we are subject to the truck pollution of brine truck after brine truck, which is just a small piece of what is being dumped down holes in the ground all over Ohio. Will waste water be stored on site and if so what volume and for what duration? Waste may be transported to this area from other distant oil and gas wells in Louisiana, Oklahoma, and Texas.

Types of Waste(s)

The proposed project for the reactivation of an existing river dock will be used for the offloading and transfer of wastewater with approved acceptance into DeepRock's Class II injection well facility. Class II wells (approved by ODNR) are used only to inject fluids associated with oil and natural gas production. Class II fluids are salt water brines and produced water that are brought to the surface while producing oil and gas.

Quantities of Waste

DeepRock is limited by its permitted storage capacity and operating parameters within the regulatory requirements specified by USEPA, OEPA, and ODNR. On average, DeepRock's daily throughput is 7,000 to 10,000 barrels (294,000 gallons to 420,000 gallons) per day.

An individual from the public voiced concern about all of the trucks running in front of her beautiful historic house along SR 60. The proposed project works to eliminate that very issue. A 30,000-barrel barge has a capacity of approximately 21,000 barrels (882,000 gallons) of Class II wastewater, based on weight of the water. Since a transport truck has a capacity of 110 barrels (4,620 gallons), each barge delivery will eliminate nearly 190 trucks from the Tri-State Regions' highway infrastructures. Once the barge is offloaded the wastewater is transferred directly, via an existing and contained pipeline, directly to the upland storage tanks, and, requiring no additional truck transportation.

Origin of Waste(s)

The origin of the wastewaters received at DeepRock will be from within the United States. Primarily, this will be Class II wastewater from Ohio, Pennsylvania and West Virginia. The reason that Class II wastewater will be transported primarily from Pennsylvania and West Virginia is because, there are not many disposal options in those states and transportation costs will be low since it will be within local tri-state area. It is unlikely that any Class II wastewater would be transported from states such as Louisiana, Oklahoma or Texas since they already are equipped with disposal options.

5. Economic Impacts

Public Comment: The public notice does not provide information regarding economic impacts. I further object to this Project on the grounds that it will result in contaminate pollution of the Ohio River that will result in reduced economic benefits to the region.

The proposed project for the reactivation of an existing commercial river dock would actually provide economic benefits. The operation of the existing commercial river dock has the ability, although small, to produce a handful of job opportunities for the operation, maintenance and security of the dock. Use of the existing commercial river dock will provide better and safer transportation of wastewaters and eliminate hundreds of trucks from the already overburdened tri-state highway infrastructures. This would work to reduce traffic accidents, potential associated spills and costly maintenance of road surfaces.

6. Aesthetics

Public Comment: The public notice does not provide information regarding aesthetics impacts.

The proposed project involves the reactivation of an ***existing*** commercial river dock. This means that the structure (i.e., commercial dock) is currently in existence along the Ohio River at river mile 173.2 and consists of a barge dock with a center platform and two (2) steel river cells to accommodate barge

deliveries. In fact, the proposed project for the reactivation of the existing commercial river dock will only have a positive effect on the aesthetics since now the facility will have constant oversight and will be required to be maintained in compliance with rules enforced by USACE, USCG, USEPA, OEPA and ODNR.

7. Public Health

Public Comment: We know that millions of gallons of chemically poisoned fracking well water injected into the ground under pressure is a really dangerous procedure for the health and safety of Ohio. My concerns about this project is that long term this toxic waste that is being imported in mass quantities from outside our area, will migrate from these injection wells into ground water and soil formations to create a public health crisis in our community.

The project involves the use of an existing commercial river dock to receive and offload Class II wastewater. This project does not involve the permitting of an injection well facility. In fact, DeepRock currently operates an approved and permitted Class II injection well facility under both federal and state requirements. To operate an injection well facility (Class II) requires review, approval and oversight by the US Environmental Protection Agency (USEPA) under Section 1422 and 1425 for the protection of USDWs, Ohio Environmental Protection Agency (OEPA), and Ohio Department of Natural Resources (ODNR). These governing agencies establish the legal requirements for permitting and operating an injection well facility.

8. Drinking Water and Aquifers

Public Comment: It poses a danger to our community's water source and our environment. The dangers of drilling wastewater leaking into the ground waters of the Ohio River. This proposal increases the risk to an already-fragile water supply.

The proposed project involves the reactivation of an existing commercial river dock which will be operated to offload wastewaters approved for DeepRock's Class II injection well facility (i.e., brine water, produced water). The commercial river dock will be required to operate under various federal, state and local regulatory requirements for the prevention of spills.

The commercial river dock will be included in DeepRock's Facility Response Plan (FRP) required under 40 CFR Part 112, Spill Prevention, Control and Countermeasure (SPCC) rule. The purpose of the Spill Prevention, Control, and Countermeasure (SPCC) rule is to help facilities prevent a discharge of oil into navigable waters or adjoining shorelines. This rule is part of the U.S. Environmental Protection Agency's (US EPA) oil spill prevention program and was published under the authority of Section 311(j)(1)(C) of the Federal Water Pollution Control Act (Clean Water Act) in 1974. Under these regulations a facility has to maintain a written plan which is certified by a professional engineer and approved by Region V – Ohio of the US EPA. Under this program DeepRock is required to implement and maintain the following for the prevention of spills:

- Maintain specific operating procedures to prevent spills;
- Conduct vulnerability assessment and determine worst-case spill scenarios;

- Implement control measures to prevent spills from entering navigable waters or adjoining shorelines;
- Provide countermeasures to contain, cleanup, and mitigate the effects of a spill that has impacted navigable waters or adjoining shorelines; and,
- Initiate routine and frequent inspections, monitoring, training, emergency drills to ensure the program is effective.

DeepRock currently operates under a certified and US EPA approved SPCC Facility Response Plan for the Class II injection well facility which also includes the provisions for the operation of the proposed associated commercial river dock.

In addition, to the requirements under USEPA's SPCC Rule (40 CFR Part 112), DeepRock will also be required to implement and maintain a Facility Security Plan (FSP) and Facility Response Plan (FRP) approved by the US Coast Guard and under the legal requirements specified in 33 CFR Part 105. Under this program DeepRock will be required to maintain the following for the prevention of spills:

- Limit access and entry at the dock to only personnel who carry a Transportation Worker Identification Credential (TWIC). This is a person that has been vetted and certified by the Transportation Security Administration (TSA) under the US Department of Homeland Security. Limit access and entry at the dock to only employees trained under the requirements of 33 CFR Part 105 as well as the Facility Security Plan and Facility Response Plan;
- Certified training for employees to fulfill responsibility as Facility Security officer;
- Maintain specific operating procedures to prevent spills or security incidents;
- Undergo facility security assessment (FSA) conducted by an approved, third-party organization;

Both the USEPA and USCG spill prevention programs require routine and frequent training, inspections and execution of emergency response drill scenarios to test the effectiveness of the facility's associated written programs. As required under Title 33 CFR 105, the USCG will be monitoring and inspecting DeepRock's facility to confirm compliance with all pertinent regulations.

9. Project Benefits

Public Comment: The Public Notice also provides no information about the benefits of the project—making it unclear why a project with significant environmental risks could never be considered to be in the public interest.

Quite the contrary, the project to reactivate an existing commercial river dock provides substantial advantages and mutual benefit for the public. DeepRock has initiated the project to reactivate an existing dock in order to address both current and realized transportation and safety needs for the transfer and disposal of wastewater. The natural gas industry has been primarily transporting this product along the region's interstate highway transportation system by truck to these disposals well sites, an average of 250-300 miles per round trip. DeepRock has recognized that the facility can easily address this need and with minimal to no adverse impact to the environment while also providing a benefit to the public.

Because the commercial river dock is existing, the project will not require construction for the installation of other commercial dock facilities. In addition, the recent barge cell inspection, conducted on February 24, 2020, determined the existing mooring cells were in good condition and did not require any construction, repair or dredging. Therefore, this alternative was effective in quickly meeting the current and realized needs of the industry as well as eliminating any need to disrupt physical features, land use or adversely impacting habitats or endangered species. In addition, barge transportation will greatly reduce truck traffic in and through an already congested municipality (Marietta) and ultimately reducing traffic accidents.

10. Traffic Concerns

Public Comment: the truck traffic associated with this facility's operation will be quite high ... 250 tanker loads going out and 250 empties coming in per barge. The safety impact of that additional traffic (there is already Shelly & Sands truck traffic) at the entry/exit to OH route 7 is something I cannot assess. But I object to the granting of a permit until the appropriate body can make such an assessment. And beyond the impact on OH route 7 traffic, there is the considerable additional truck traffic through Marietta city itself. Both the safety impact and the nuisance impact of an additional 500 trucks per barge through the city needs to be assessed before a permit is granted. Even if the offloaded waste is trucked out of the area, those trucks travel on local roads, already experiencing increased traffic in hazardous materials from existing oil and gas operations, and increase local people's risk. Given the size of barges, waste could be transferred to more than 200 trucks in a single day. I further object to this Project on the grounds that it will further increase traffic on local roads making driving on local roads more dangerous and the roads more expensive to maintain thus increasing my taxes.

DeepRock has initiated the project to reactivate an existing commercial river dock in order to address both current and realized transportation and safety needs for the transfer and disposal of wastewater. The natural gas industry has been primarily transporting this product along the region's interstate highway transportation system by truck to disposals well sites, an average of 250-300 miles per round trip. DeepRock has recognized that the facility can easily address this need and with minimal to no adverse impact to the environment while also providing benefit to the public.

Because the commercial river dock is existing, the project will not require construction for the installation of other commercial dock facilities. In addition, the recent barge cell inspection, conducted on February 24, 2020, determined the existing mooring cells were in good condition and did not require any construction, repair or dredging. Therefore, this alternative was effective in quickly meeting the current and realized needs of the industry as well as eliminating any need to disrupt physical features, land use or adversely impacting habitats or endangered species. In addition, barge transportation will greatly reduce truck traffic in and through an already congested municipality (Marietta) and ultimately reducing traffic accidents.

A 30,000-barrel barge has a capacity of approximately 21,000 barrels (882,000 gallons) of Class II wastewater. Since a transport truck has a capacity of 110 barrels (4,620 gallons), each barge delivery will eliminate nearly 190 trucks from the Tri-State Regions' highway infrastructures. Once the barge is

offloaded the wastewater is transferred directly, via existing and contained pipeline, directly to the upland storage tanks, requiring no additional truck transportation.

11. Seismic Activity / Earthquakes

Public Comment: The proliferation of injection wells in the area has led to an increase in seismic activity as was noted by Miami University researchers in a 2018 article in the Journal of Geophysical Research. Oklahoma spiked from four to more than 700 earthquakes annually after the introduction of the hydraulic fracking and the associated injection wells.

The proposed project that is under a Public Comment Period, is for the reactivation of an existing commercial river dock. On February 24, 2020 this existing commercial river dock was inspected by a certified diver and was determined to be in good condition and not requiring any construction or dredging. There is no evidence anywhere in history or across the United States the use of a commercial river dock for offloading liquid materials or commodities is the source or cause of seismic activity (i.e. earthquakes).

12. Threatened and Endangered Species

Public Comment: The proposal notes that the project would have an effect on three endangered species of mussel found in the Ohio River but concludes that they would not be adversely affected. What is the basis for this determination?

On December 12, 2019, DeepRock reached out to US Fish and Wildlife Services (USFWS) to research potential endangered species within the proposed project area. DeepRock provided USFWS with the GPS coordinates of the existing commercial river dock as part of the request. As a result of that request, USFWS informed DeepRock that four (4) species of endangered mussels were noted in the proposed project area. The species identified were: the fanshell; pink mucket; sheepnose; and, snuffbox mussels.

In preparation of submitting the Nationwide Permit Application (ENG-6082 and ENG-4345) to the USACE, DeepRock was in communication with USFWS as well as ODNR regarding the intended project. In addition, DeepRock secured a diving and marine services organization that conducted a detailed inspection of the barge cell(s). On February 24, 2020, a diver from Marion Hill and Associates performed an underwater video inspection and integrity measurement (metal thickness) of the three (3) associated mooring cells. As a result of the inspection, it was determined that the barge mooring cells were in good condition and did not require any major repairs, filling or reconstruction. In addition, the water level is at adequate depth to provide proper draft for the intended barge use.

Because the existing commercial river dock did not require any dredging, construction or repair on the cells there is minimal to no impact on any mussel habitat(s) at or near the proposed project. The project will only involve mooring barges on the riverside for the purpose of offloading wastewater with no impact to shoreline or mudline.

On March 16, 2020 DeepRock sent a letter to the USFWS with information regarding the project and the results of the inspection to request their determination on the impact to the listed endangered species in the area. In a letter response to DeepRock dated, March 23, 2020, the USFWS confirmed that the project would not impact any Federal wilderness areas, wildlife refuges or designated critical habitat. This information was provided as part of the USACE permit application for the reactivation of the existing commercial river dock.

13. Against Proposal

Public Comment: I am against this proposal.

Public comment simply states they are against the proposed project but does not provide specific reason or concern. DeepRock is following the permitting application and public comment requirements by USACE to reactivate an existing commercial river dock. This "vote" against will be considered and reviewed by the Corps.

14. Dock Configuration and Existing Conditions

Public Comment: The existing walkway pictured on Sheet 3 appears to be below the top of the river bank. What is the OHWM elevation at this location on the Ohio River? What is the elevation of the existing walkway on the river bank? Was the condition of the existing piling dolphins, including submerged portions, evaluated to determine strength and suitability for the proposed work? How will barges be moored to the piling dolphins when they are submerged during flood events? The information in the public notice is so vague that it is very difficult to understand if the dock is going to be operated by Shelly and Sands, the present owners, or Deeprock Disposal?

The proposed project involves the reactivation of an existing commercial river dock. On February 24, 2020, a diver from Marion Hill and Associates performed an underwater video inspection and integrity measurement (metal thickness) of the three (3) associated mooring cells. As a result of the inspection, it was determined that the barge mooring cells were in good condition and did not require any major repairs, filling or reconstruction. In addition, the water level is at adequate depth to provide proper draft for the intended barge use. A stairway descends four steps (2.58 feet) from the top of the shoreline to the walkway that connects to the center platform of the commercial dock.

Operations of the commercial river dock are regulated under Title 33 for Navigation and Navigable Waters. DeepRock will be required to implement and maintain a Facility Security Assessment (FSA) and Facility Response Plan (FRP) approved by the US Coast Guard and under the legal requirements specified in 33 CFR Part 105, Part 300 and Part 400. This means that there will be specific security procedures that prevent offloading operations under severe weather and river conditions such as flooding.

The proposed project for the reactivation of an existing commercial river dock is not for Shelly and Sands. The proposed project is for the ownership and operation of the commercial dock, solely, by DeepRock Disposal Solutions. The associated property as adjacent / adjoining the Shelly and Sands property.

15. Historic Properties

Public Comment: The public notice states, "The Corps has determined no historic properties eligible for or listed on the NRHP would be affected by the proposed undertaking." Is the Army Corps authorized to make such determinations? The project is within 2,500 feet of the Tomlinson Mansion (on the NRHP) and appears to be within the mansion's viewshed.

The proposed project involves the reactivation of a commercial river dock that is "existing". This means that the structure (i.e., commercial dock) is currently in existence along the Ohio River at river mile 173.2. The commercial dock consists of a center platform with two (2) associated dolphins to accommodate a barge. The existing commercial river dock will be operated by DeepRock Disposal Solutions, LLC.

DeepRock has consulted the National Register of Historic Places (NRHP) and it was determined that there were no properties currently listed on the NRHP that would be indirectly or directly affected by the proposed project. Upon research of the NRHP there were not any landmarks or properties within the immediate vicinity of the proposed project which consists of an already existing (at least 25 years) commercial river dock facility. In addition, the Ohio River has not been designated by the Governor or any other governing entity as a "study river".

16. Chemical Testing

Public Comment: The lack of testing of the toxicity and radiation accumulating on existing trucks, tanks and equipment at this location is another major concern. Government organizations responsible for oversight of these companies running injection wells that handle toxic waste should be responsible for testing and are being negligent and irresponsible in ignoring this potential hazard.

The project involves the use of an existing commercial river dock to receive and offload Class II wastewater. This project does not involve the permitting of an injection well facility. In fact, DeepRock currently operates an approved and permitted Class II injection well facility under both federal and state requirements. The proposed project for the reactivation of an existing river dock will be used for the offloading and transfer of wastewater with approved acceptance into DeepRock's Class II injection well facility. Class II wells (approved by ODNR) are used only to inject fluids associated with oil and natural gas production. Class II fluids are salt water brines and produced water that are brought to the surface while producing oil and gas.

17. Noise

Public Comment: What are the hours of operation and noise mitigation will be used during those hours?

The proposed project for the reactivation of an existing commercial river dock will involve the offloading and transfer of wastewaters. Operation of the commercial river dock will be regulated under Title 33 CFR 105 and within the city ordinance for noise. The operation of the commercial river dock, however, should not generate excessive or disruptive noise. The only equipment generating noise volumes would be a transfer pump. Towboats operate well away from shore, with the sound of their engines muffled below the water line. The existing commercial river dock is also within an area that is zoned as commercial /industrial.

18. Flooding

Public Comment: A proper review of the project proposed by DeepRock reveals that its detriments far outweigh its benefits due to very serious concerns about drinking water contamination, the increase in the disposal of fracked waste in the surrounding community, increased pollution, and damaging impacts of increased flooding.

The proposed project involves the reactivation of an existing commercial river dock. The maintenance and operation of the commercial dock will comply with the requirements under USEPA's Title 40 Part 112, Spill Prevention, Control and Countermeasure (SPCC) rule. In addition, operation of the dock will meet the requirements enforced by the USCG for facility security assessment under Title 33 Part 300 and facility response planning under Title 33 Part 400. The regulating requirements will ensure prevention of spills and proper activation of emergency response procedures. These planning procedures will outline restrictions and prohibitions to operate during severe storm events, such as flooding.

19. Property Ownership

Public Comment: Considerations of property ownership.

DeepRock operates an approved Class II injection well facility located at 20225 SR 7, Marietta, Ohio 45750. The facility's property includes an associated commercial river dock located on the Ohio River and immediately across from the facility at 20220 SR 7, Marietta, Ohio 45750 (river mile 173.2). The commercial river dock has not been in use or operation for several years. DeepRock is seeking to reactivate the existing commercial dock for the offloading of wastewater. DeepRock will own (property leased through V-M Mile) and operate the commercial dock.

20. Recreation

Public Comment: I further object to this Project on the grounds that it will result in contaminate pollution of the Ohio River that will result in reduced recreational activities.

The proposed project involves the reactivation of a commercial river dock that is "existing". This means that the structure (i.e., commercial dock) is currently in existence along the Ohio River at river mile 173.2. The commercial dock consists of a center platform and two (2) steel cells to accommodate barge deliveries. The project does not propose any installation of additional, or expansion of, a commercial dock. There are no proposed changes along the river at mile 173.2 that would impact current recreational activities. In addition, several regulatory requirements and governing entities will be enforced as part of the operation and maintenance of the dock for the prevention of spills and proper deployment of emergency response procedures. Refer to information provided under the spill prevention and emergency response subject topics above.