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United States Senate

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

WASHINGTON, DC 20510-6175

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December 6, 2011

The Honorable Lisa Jackson
Administrator
U.S. Environmental Protection Agency
Ariel Rios Building
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460

Dear Administrator Jackson:

As you know, I have been closely following EPA Region 8's activities in Pavillion, Wyoming for the past several years. This is a serious issue for local residents and the region and I have expressed my concerns about the open-ended nature of this investigation with you before. I remain concerned that what started out as an investigation of residential water wells has turned into a quest to tie hydraulic fracturing to the water quality issues in Pavillion.

In August 2010, following nearly 18 months of investigation in Pavillion, EPA Region 8 staff provided only vague characterizations of the contaminants they found to my staff, leaving EPA's interpretation of the data it collected open. However, Region 8 staff indicated that hydraulic fracturing was *not* a focus of investigations into the source of the contamination. Staff also had no definitive basis, or refused to reveal evidence supporting a basis they may have had as to the source or sources of contamination. Yet at that same time, Nathan Wiser, an EPA scientist, publicly stated that, "It starts to finger-point stronger and stronger to the source being somehow related to the gas development, including, but not necessarily conclusively, hydraulic fracturing itself." He said further that EPA's efforts "could certainly have a focusing effect on a lot of folks in the Pavillion area as a nexus between hydraulic fracturing and water contamination."

When my staff was briefed on EPA's latest round of testing, released publically on November 9, 2011, Regional Administrator James Martin said that the results did not reveal any data that was significantly different from the first two rounds of testing, and that EPA was not making any conclusions or findings from this data.

Unfortunately, recent statements made by you in the press lead me to believe that conclusions have already been made. On November 20, 2011 on Bloomberg's EnergyNOW! program you said, "It is possible that fracking in one bearing zone may have impacted nearby

areas that may contain some groundwater.”¹ As the *Casper Star-Tribune* reported, your statement marked the first time the EPA Administrator has raised a possible link between hydraulic fracturing and with drinking-water pollution.² Your statement is a clear departure from the statements made by the Region 8 at the public meeting in Pavillion and to Congressional staff regarding the cause of groundwater contamination in the area. Additionally this statement appears to contradict statements by you and other members of the Federal Government about hydraulic fracturing and drinking water contamination. We expect that any change in your articulated position would be well backed-up by the highest quality, peer reviewed science.

Because of these contradictory statements, I am concerned that EPA has pre-determined that hydraulic fracturing is the cause of contamination in their Pavillion investigation and the Agency is trying to make the data conform to that conclusion, instead of engaging in an open scientific inquiry. If so, this is a serious problem, especially since your Regional Administrator said that the results of the most recent round of testing were not significantly different from the first rounds of testing, which showed no link between hydraulic fracturing and contamination. In order to clarify these concerns, I am requesting that you answer the following questions:

1. Has EPA made any determinations about the cause of water contamination in Pavillion Wyoming? If not, when will a final determination be made?
2. What is your basis for the comment you made to Bloomberg mentioned above? Do you think it is possible to determine the cause of groundwater contamination without completion of the investigation?

Additionally I am requesting documentation of all correspondence between EPA Region 8 and EPA headquarters regarding Pavillion, WY and between Region 8 and ORD regarding the Hydraulic Fracturing study.

Thank you for your prompt attention to my concerns. Should you have any questions about this matter, please feel free to contact Elizabeth Fox on my staff at (202) 224-6176.

Sincerely,



James M. Inhofe
Ranking Member
Committee on Environment and Public Works

¹ http://billingsgazette.com/news/state-and-regional/wyoming/epa-chief-wyoming-water-well-results-of-concern/article_1e2ea350-80d6-5274-8a91-5360ce691ddb.html

² http://trib.com/news/state-and-regional/epa-chief-wyoming-water-well-results-of-concern/article_0aacd635-c62a-5eae-9f79-e6ae14eb1906.html