

**\* EARTHWORKS \* Natural Resources Defense Council \*  
\* Citizens Against Environmental Destruction (MI) \* Sierra Club \*  
\* Northeast Ohio Oil and Gas Accountability Project \* Penn Environment \*  
\* Northcentral Texas Communities Alliance \* Downwinders at Risk (TX) \*  
\* Wise County Alliance for Responsible Drilling (TX) \* Environment Colorado \*  
\* National Alliance for Drilling Reform \* Delaware Riverkeeper Network \*  
\* San Francisco Creek Ranch Landowners Association (CO) \* Riverkeeper (NY) \*  
\* Wyoming Outdoor Council \* Colorado Environmental Coalition \*  
Western Organization of Resource Councils \* Clark Resource Council (WY) \*  
\* Powder River Basin Resource Council (WY) \* Pavillion Area Concerned Citizens (WY) \*  
\* Upper Green River Alliance (WY) \* North Fork Ranch Landowners Association (CO) \*  
\* The Endocrine Disruption Exchange \* OMB Watch \* Earthjustice \*  
\* Northeast Ohio Sierra Group \* Rocky Mountain Chapter Sierra Club (CO) \*  
\* Environmental Working Group \* Catskill Mountainkeeper \*  
\* Northeast Pennsylvania Gas Action \* Wyoming Outdoor Council \***

August 5, 2010

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

Dear Administrator Jackson,

In light of recent information that has become available regarding the use of diesel fuel in hydraulic fracturing, we are writing to ask that the U.S. Environmental Protection Agency (EPA) take action to ensure that the Safe Drinking Water Act (SDWA) is being fully enforced to protect underground sources of drinking water.

The Energy Policy Act of 2005 (EPAct) exempted hydraulic fracturing from regulation under the SDWA—unless diesel fuel is used. Last month, the House Energy and Commerce Committee announced that it received information that two hydraulic fracturing companies used diesel in hydraulic fracturing fluids since the passage of EPAct. Industry documents obtained by the Committee revealed that fracturing companies B.J. Services Co. and Halliburton injected diesel in hydraulic fracturing operations in 2005, 2006 and 2007 in as many as 15 different states.

First, we urge the EPA to investigate whether the SDWA was violated when companies used diesel fuel for hydraulic fracturing. Second, while we would also like the EPA to investigate what chemical constituents are being used in hydraulic fracturing fluids, at a minimum we urge the EPA to ask any companies involved in hydraulic fracturing to certify whether or not they are using diesel in fracturing operations. We believe the EPA has the authority to request such a certification under 40 C.F.R.144.17. Third, the EPA should take action to ensure that there is no

unauthorized use of diesel in hydraulic fracturing. It is critical that EPA enforce the Safe Drinking Water Act so that drinking water supplies are protected.

In EPA Act, Congress recognized the threat posed to underground sources of drinking water by hydraulic fracturing with diesel fuel. In a 2004 report on hydraulic fracturing, EPA said that “the use of diesel fuel in fracturing fluids poses the greatest potential threat to [underground sources of drinking water] because the BTEX constituents in diesel fuel exceed the [maximum contaminant level] at the point of injection.” BTEX refers to benzene, toluene, ethylbenzene and xylene, substances that are toxic in water at very low levels. Benzene, a known human carcinogen, has been found in drinking water sources after hydraulic fracturing has taken place nearby.

We believe that all of the constituents of hydraulic fracturing fluids should be disclosed, and all hydraulic fracturing should comply with the SDWA’s underground injection control program requirements, as proposed by H.R. 2766/S. 1215, the Fracturing Responsibility and Awareness of Chemicals Act, to fully protect drinking water from the array of chemicals used in fracturing fluid. Oil and gas drilling takes place in more than 30 states, and citizens in every one of those states deserve to know what is being injected near their groundwater and stored in their backyards, including whether diesel fuel is being used for fracturing. In the meantime, the SDWA still bars fracturing with diesel fuel without prior oversight, see 40 C.F.R. 144.11. More stringent standards should be established to make certain that the amounts of benzene, toluene, ethylbenzene, xylene and other toxic chemicals are not added to our drinking water.

We look forward to working with you regarding these issues, and we would appreciate a response at your earliest convenience regarding the timeline for investigating potential violations of the law and putting plans in place to assure that the use of diesel fuel is fully regulated as required by law.

Thank you for your consideration of this issue and your leadership at the EPA.

Best Regards,

Lauren Pagel  
EARTHWORKS

Amy Mall  
Natural Resources Defense Council

Jaime (Long) Chimner and Deborah Liddy  
Citizens Against Environmental Destruction

Kari Matsko  
Northeast OH Gas Accountability

Christine Ruggiero  
Wise County Alliance for Responsible Drilling

Jim Schermbeck  
Downwinders at Risk

John Fenton  
Pavillion Area Concerned Citizens

Nancy Hopper Neal  
San Francisco Creek Ranch  
Landowners Association

Bruce Pendery  
Wyoming Outdoor Council

Elise Jones  
Colorado Environmental Coalition

Don Nelson  
Oil and Gas Committee Chair  
Western Organization of Resource Councils

Bob LeResche  
Powder River Basin Resource Council

Dave Haire  
Clark Resource Council

Tracy Carluccio  
Delaware Riverkeeper Network

Linda Baker  
Upper Green River Alliance

Tracy Dahl  
North Fork Ranch Landowners Association

Craig Michaels  
Riverkeeper

Dusty Horwitt  
Environmental Working Group

Theo Colburn  
The Endocrine Disruption Exchange

Brian Turnbaugh  
OMB Watch

Deborah Goldberg  
Earthjustice

Ed Hopkins  
Sierra Club

Patricia McKenna  
Northeast Ohio Sierra Group

Gopa' Ross  
Rocky Mountain Chapter Sierra Club (CO)

Lynn Senick  
Northeast Pennsylvania Gas Action

Wes Gillingham  
Catskill Mountainkeeper

Steve Jones  
Wyoming Outdoor Council