

Oil & Gas Accountability Project

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October 28, 2002

Joan Harrigan-Farrelly, Chief
Underground Injection Control, Prevention Program
Office of Ground Water and Drinking Water
Environmental Protection Agency
Water Docket ID No. W-01-09-II
1200 Pennsylvania Ave. NW
Washington, DC 20460
Email address: OW-Docket@epa.gov

Dear Ms. Harrigan-Farrelly,

The Oil & Gas Accountability Project (OGAP) and undersigned groups appreciate the opportunity to submit comments on the Environmental Protection Agency's (EPA) draft study report *Evaluation of Impacts to Underground Sources of Drinking Water by Hydraulic Fracturing of Coalbed Methane Reservoirs*.

OGAP is a non-profit organization formed in 1999 to reduce and prevent the social, economic and environmental problems caused by oil and gas development. OGAP brings together more than 100 organizations across the country to advocate for greater corporate and governmental accountability, responsibility and respect for people and places in the course of oil and gas development. Formerly the Citizens Oil & Gas Support Center, OGAP's September 14, 1999 letter citing citizen complaints about hydraulic fracturing operations helped catalyze the EPA's decision to launch this study.

OGAP and the public interest organizations listed below are very concerned about the potential that toxic and cancer-causing chemicals used in hydraulic fracturing fluids have for contaminating underground sources of drinking water (USDW). In just the past fifteen years, thousands of coalbed methane (CBM) wells have been drilled in Alabama, Colorado, Montana, New Mexico, Utah, Virginia and Wyoming. Today, tens of thousands of new CBM wells are proposed for public, private, and tribal lands across the country. Once contamination of ground water has occurred, it is often impossible to mitigate the damages. A precautionary approach is the most reliable way to protect our current and future drinking water sources.

The EPA launched this study to evaluate the environmental risks associated with hydraulic fracturing (fracing), a common oil and gas industry procedure. As you are aware, fracing involves the high-pressure injection of toxic fluids, water and sand in order to force the production of oil and gas. The draft report concludes that the threat is low and further study is not needed in spite of demonstrating clear risks to underground sources of drinking water (USDW) that undermine this conclusion. For example, the report:

- Identifies the known health effects and alarming concentration of toxic chemicals used in hydraulic fracturing fluids,
- Indicates that benzene and other chemicals still exceed drinking water standards even with the EPA's suspicious dilution calculations,
- Acknowledges that most coalbed methane (CBM) wells are subjected to multiple hydraulic fracturing procedures,
- Cites studies indicating that 39 – 75% of fracturing fluids remain in the ground,
- Reveals that 10 of 11 CBM producing basins in the US lie, at least in part, with USDWs,
- Fractures created by this procedure are likely to break through rock barriers adjacent to USDWs,
- Describes plans for staggering numbers of new CBM wells across the country, and
- Urges the industry to remove any threat whatsoever from injection fluids – especially to discontinue the use of diesel fuel in hydraulic fracturing fluids.

We find the conclusion of the draft report inconsistent with the study findings and urge the EPA to continue the study so that USDWs will actually be monitored, sampled, and tested in Phase II of the study. Collection of on-the-ground data is the only compelling way to sufficiently evaluate the impact to USDWs by hydraulic fracturing.

After reading the study, U.S. Representative Henry Waxman wrote a letter to EPA Administrator Christine Todd Whitman charging the EPA of ***altering scientific and policy conclusions to accommodate Halliburton's interest in promoting the oil and gas industry practice of "hydraulic fracturing."*** Halliburton is one of the world's largest hydraulic fracturing companies. The peer review panel, assembled to provide a credible and independent review of the EPA study, is dominated by the oil and gas industry. While 2 of the 7 panelists are university professors, 3 are employed by the oil and gas industry, and 2 are former oil and gas industry employees. One of the panel members is an employee of Halliburton. There could not be a stronger conflict of interest given the fact that Halliburton performs approximately 67% of the hydraulic fracturing procedures in the country and clearly stands to benefit more than anyone from the conclusions of this report. We urge the EPA to disband the current peer review panel and replace it with individuals who can provide an impartial and solid analysis of this study.

Adding to the conflict of interest issue, we are gravely concerned that the draft report has been released when Congress is considering a national energy bill that includes a provision to exempt the practice of hydraulic fracturing from the Safe Drinking Water Act. We could not be more circumspect about the study conclusion and conflicts of interest on the peer review panel when it is apparent that the oil and gas industry is lobbying Congress to exempt hydraulic fracturing from the law that regulates the underground injection of toxic materials. To those living with oil and gas operations in their backyards, the study's conclusion and the industry's desire to exempt fracturing from the Safe Drinking Water Act does not appear coincidental.

The study reports that a single fracturing operation involves the injection of 75,000 to 320,000 pounds of sand mixed with 50,000 to 350,000 gallons of water and toxic and cancer-causing chemicals such as benzene and MTBE. Very small quantities of toxic chemicals such as benzene are capable of contaminating underground water sources.

For example, only 28 tablespoons of MTBE could contaminate millions of gallons of ground water.

The EPA study identifies the known health effects and high concentrations of toxic chemicals used in fracturing fluids, the risks of injecting these chemicals directly into, and adjacent to, known drinking water sources, and the plans for tens of thousands of new coalbed methane wells across the country. If most wells are fractured multiple times and only 25 to 61% of injected fluids are recovered at the wellhead, it is alarming that the EPA dismisses the threat, concludes that further study is not warranted, yet, suggests that ***“it may be feasible and prudent for industry to remove any threat whatsoever from injection of fluids. The use of diesel fuel in fracturing fluids by some companies introduces the majority of constituents of concern to USDWs. Water based alternatives exist and from an environmental perspective, these water-based products are preferable.”*** It is incumbent upon the EPA to require, not suggest, that industry remove any threat whatsoever and use only water-based products.

The report directly contradicts the clear intention of Congress in making EPA responsible, under the Safe Drinking Water Act, to protect underground sources of drinking water, which are the sources of ground water for all current *and future* drinking water supplies across the country.

In summary, we believe that the EPA must withdraw its conclusion, complete the final phases of the study, recruit a peer review panel that is free from conflict of interest, and require that the industry remove any threat whatsoever from hydraulic fracturing fluids.

Thank you for your consideration of our comments. Please include us in any mailings on this subject. We look forward to hearing from you.

Sincerely,

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