



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 8**

1595 Wynkoop Street  
DENVER, CO 80202-1129  
Phone 800-227-8917  
<http://www.epa.gov/region08>

Ref: 8EPR-IO

January 19, 2012

The Honorable James Inhofe  
Ranking Member  
Committee on Environment and Public Works  
United States Senate  
Washington, DC 20510-6175

Dear Senator Inhofe:

Thank you for your letter dated December 6, 2011, regarding EPA's ground-water investigation in Pavillion, Wyoming. Administrator Jackson has referred your letter to my office for response, given that Region 8 has the lead for this investigation.

I certainly agree that ground-water contamination in the Pavillion area is a serious issue for the residents of that area and for the region. Both EPA Region 8 and the Office of Research and Development believe that residents deserve answers to their concerns about the safety of the water from their domestic drinking water wells. We have devoted significant resources to obtaining these answers.

EPA's scientific investigation of ground water at Pavillion was initiated in late 2008 and encompassed four separate sampling events. We collected and analyzed thousands of pieces of data in order to provide the best possible scientific understanding regarding potential contamination of ground water in the area.

On December 8, 2011, EPA released a draft report on our Pavillion investigation entitled "Investigation of Ground Water Contamination near Pavillion, Wyoming." That report summarizes the data from all four phases of sampling and provides draft findings based on our careful analysis of the sampling data and other relevant information.

In Phases 1 and 2, we sampled private drinking water wells, stock watering wells, and two community wells. In August 2010, we released the data from those sampling events at a community meeting in Pavillion, and we shared those data with the local residents, Wyoming State agencies, the Tribes of the Wind River Reservation, and others. We also briefed members of your staff at that time on the results of our first two phases of sampling and on the report provided by the Agency for Toxic Substances and Disease Registry. You are correct that, at that time, we refrained from drawing any conclusions regarding the source or sources of constituents of concern identified in our Phase 1 and 2 sampling because the data we had in hand at that point did not support any such conclusion.

Subsequently, in 2010 and 2011, we conducted two rounds of sampling from deep monitoring wells we had constructed in proximity to both drinking water wells and production wells. After a rigorous analysis of those data by the research team and scientists within the Agency, as well as an initial peer

review by three independent scientists, we released those data to the Pavillion residents, the State and Tribes, other federal agencies, and the general public in October and November of 2011. This data release was not accompanied by our draft conclusions because we first wanted feedback on interpretation of the data and the techniques used to collect it. To that end, EPA staff engaged in extensive discussions with State and Tribal experts, experts from other federal agencies, and Encana. During this period, EPA staff also briefed members of your staff.

After carefully considering this feedback, we decided to release the draft report because we were confident in the data and conclusions it contained and believed the time had come to inform the public of the results of our investigation. The draft report presents the EPA's preliminary finding that "the explanation best fitting the data for the deep monitoring wells is that constituents associated with hydraulic fracturing have been released into the Wind River drinking water aquifer at depths above the current production zone" (page 33 of the draft report). This finding resulted from meticulous evaluation of the data by EPA scientists and is carefully and fully explained in the report, itself. I agree that hydraulic fracturing per se was not and is not a focus of our investigation. However, the source of contamination in the aquifer is a central issue; and the data pointed to hydraulic fracturing as a likely explanation for the contaminants we found in ground water. Our analysis of the data could not have responsibly omitted this conclusion. Our draft report goes to great lengths to avoid any over-generalization of the results by making clear that the conditions at the Wind River field may be, and likely are, different from geologic formations that are the target of natural gas development elsewhere.

At this point, EPA is commencing an intense and rigorous peer review of the draft report on ground water at the Pavillion site. EPA has already published in the Federal Register a request for public comment on the draft report. We will soon formally publish a solicitation for nominations for an independent peer review panel that will be charged with reviewing the draft report as well as the public comment that it generates. An EPA contractor will review the nominations, contact selected candidates for additional information, and make the final selections as soon as possible after the thirty-day nomination period closes. In addition, the Administrator has specifically encouraged the State of Wyoming to nominate qualified scientists and engineers from Wyoming, recognizing they may possess an important perspective that would aid in the peer review.

Finally, I understand that you have requested documentation of all correspondence between Region 8 and EPA headquarters, and between Region 8 and ORD regarding Pavillion and the hydraulic fracturing study. We are in the process of responding to that request.

I hope this fully answers the questions and concerns raised in your December 6 letter and appreciate your ongoing interest in the Agency's Pavillion investigation. Please feel free to contact Administrator Jackson or me with further questions regarding this matter, or your staff may contact Region 8's Congressional Liaison, Sandy Fells, at 303-312-6604.

Sincerely,

  
James B. Martin  
Regional Administrator