EPA, WY, Tribes Agree to More Groundwater Tests

MEAD GRUVER, Associated Press

CHEYENNE, Wyo. (AP) — The state of Wyoming, the U.S. Environmental Protection Agency and two American Indian tribes announced Thursday they have agreed to additional testing of groundwater that the federal agency says may have become contaminated by gas development that includes hydraulic fracturing.

They also agreed to postpone a scientific peer review of a draft EPA report on the contamination in the Pavillion area in central Wyoming until after the additional sampling and analysis. The peer review had been scheduled to begin within the next several weeks and now won't get under way this fall, according to the EPA.

Hydraulic fracturing, or fracking, uses pressurized water, sand and chemicals to crack open fissures within wells and improve the flow of oil and gas. A report released in December was the first time the EPA said fracking may have polluted groundwater in a specific case.

EPA officials have maintained that the report doesn't carry implications for the pollution risk of fracking in other geologic formations or fracking generally.

Gov. Matt Mead said Thursday that the U.S. Geological Survey will conduct two more rounds of testing before July. The first round of new testing could occur within the next month.

"The hope is to do another round of testing, too, in the next quarter. That matches up with best practices, to give it awhile and pull another sample," Mead spokesman Renny MacKay said.

The water samples will be taken from the same two monitoring wells the EPA previously drilled to test for groundwater pollution in the Pavillion gas field. As before, the samples will be divided up and sent to different labs for analysis, MacKay said.

The peer review will begin after the new testing results are made public, EPA regional spokesman Rich Mylott said by email.

"Recent discussions between EPA, the State of Wyoming and the Tribes have recognized the value of further sampling of monitoring wells to develop additional information on groundwater quality," Mylott wrote.

People near the tiny community of Pavillion praised the December report. Some had complained for years that their well water began to stink of chemicals around the time that drilling and fracking increased in their neighborhood in the early 2000s.

They asked the EPA to investigate their water after what they have described as a reluctance to do so by state environmental officials.

"We believe that collaboration and use of the best available science are critical in meeting the needs of Pavillion area residents and resolving longstanding issues surrounding the safety of drinking water and groundwater," according to a the statement announcing the agreement.

John Fenton, president of the group Pavillion Area Concerned Citizens, said he hoped "the state is here to actually do real science and get real results and not just try to impede the work the EPA is doing. I see some positives, but I also have some reservations about it, too."

The oil and gas industry, especially Calgary-based Encana, the primary operator in the Pavillion gas field, objected to much of the EPA study and report. Wyoming officials, including Mead, faulted the report as well.

"Today's announcement demonstrates the EPA's report was rushed without peer review and the assertions aren't supported by the data," Encana spokesman Doug Hock said in a statement. He reiterated Encana's position that the study in Pavillion ventured beyond the scope of the agency's initial plan to study well water. Initial testing in 2010 found low levels of hydrocarbons in 17 domestic water wells.

The EPA has not theorized a link between petroleum industry activity and water well contamination. Subsequent testing and last year's report focused on the two monitoring wells, which are deeper than most domestic water wells in the Pavillion area.

"Additional testing should be focused on a rigorous evaluation of the taste and odor complaints on each of the domestic wells in question and focus on the chemistry in the domestic water well zone of the subsurface," Hock said.

Fenton said it also was good that the state and especially the tribes will now be involved in studying the water.

Much of the area, including Pavillion, is on land surrounded on three sides by the Wind River Indian Reservation, at least according to maps that reflect land deeds from over a century ago. The Northern Arapaho and Eastern Shoshone, the two tribes that share the reservation, maintain that the area is part of the reservation.

The tribes hold mineral rights in the Pavillion area. They felt left out of the testing process, said Mike Lajeunesse, chairman of the Eastern Shoshone Business Council.

"When things first started happening, they didn't even come to the tribes to ask us about it or ask for our help," Lajeunesse said.

"As far as I'm concerned, it's part of the reservation and that's what the Business Council believes. And tribal members feel that way," he said.

Fenton said it's a "gray area" whether his property is part of the reservation or not.

MacKay said the agreement for more testing and analysis followed a phone conversation between Mead and EPA Administrator Lisa Jackson on Feb. 24 and a breakfast meeting in person in Washington, D.C., on Feb. 26.

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