

# **Zimmerman & Associates**

Environmental Litigation, Mediation, Enforcement & Compliance, Counseling

December 3, 2015

## **EPA Science Advisory Board Hydraulic Fracturing Research Advisory Panel December 3, 2015 Teleconference**

Public Comments by Jeff Zimmerman on Behalf of  
Damascus Citizens for Sustainability, NYH2O and Citizens for Water

Good afternoon and thank you for the opportunity to testify today.

The draft Assessment report and this panel's draft response laments that there are major gaps in data and information on several issues. EPA has created this problem for itself by restricting its investigation only to peer reviewed materials. Like Oedipus Rex, EPA has blinded itself and this panel to extensive information about impacts of the hydraulic fracturing water cycle on drinking water resources.

For example, this includes state information finding contamination of water supply wells in proximity to oil or gas wells. The Pennsylvania DEP has issued hundreds of "positive determination letters" finding that oil or gas wells have contaminated drinking water resources. In the draft assessment report EPA acknowledges the existence of these letters but then states that EPA did not investigate or review these cases any further. Why not? Isn't this what this whole study is about?

This brings me to my final point today. In many situations, individuals who have had their water supplies adversely impacted by oil or gas development. Often at their own expense, they have obtained contamination data from their wells and submitted this to federal or state agencies or both. This is a perfectly reasonable course of action given the responsibility of these agencies to protect human health and the environment. The fact that this information was not generated and reported through a peer reviewed publication process does not render this information irrelevant to this assessment. While the agency may want to examine the methodology by which the information was produced, the information itself deserves investigation and response.

In the "early days" (2012 and earlier) agency personnel often went out to visit these sites and conducted some sampling for itself. Then, almost simultaneously, the federal EPA dropped several key site investigations and left any further response to the state agencies. In each instance the state agency also suspended any further action. More recently, in too many situations the default response by regulatory agencies has been silence.

But the underlying issue remains. Data related to contamination should be considered and evaluated in each case. The 3<sup>rd</sup> Compendium by Concerned Health Professionals of NY is

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another example of multiple cases which address the issues that should be considered in this study.

With due respect, we would urge this panel to object to any and all generalizations or characterization in the EPA Assessment Report of linkage or lack thereof between the hydraulic fracturing water cycle and drinking water resources.

Thank you for the opportunity to speak to you today. I would be happy to address any questions.

Respectfully Submitted,

/s/ J. J. Zimmerman

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