**To:** Schmit, Ayn[Schmit.Ayn@epa.gov]
**From:** Mylott, Richard
**Sent:** Fri 2/14/2014 8:56:34 PM
**Subject:** RE: Former Wyoming regulator recants Pavillion water pollution comments--Casper Star Tribune

Would you still say this is accurate?

.....

**Ex. 5 - Deliberative Process**

Rich Mylott

U.S. EPA Region 8

Office of Communications and Public Involvement

303-312-6654

**From:** Schmit, Ayn
**Sent:** Friday, February 14, 2014 1:42 PM
**To:** Mylott, Richard
**Subject:** FW: Former Wyoming regulator recants Pavillion water pollution comments--Casper Star Tribune

**From:** DEb [mailto:dthomas@nemont.net]

**Sent:** Friday, February 14, 2014 12:02 PM
**To:** Deb Thomas
**Subject:** Former Wyoming regulator recants Pavillion water pollution comments--Casper Star Tribune

http://trib.com/business/energy/former-wyoming-regulator-recants-pavillion-water-pollution-comments/article_4f4077cb-f592-51a2-9e69-dc30d4c66abe.html

# Former Wyoming regulator recants Pavillion water pollution comments

Print Email

12 hours ago • By BENJAMIN STORROW Star-Tribune staff writer

(3) Comments

## Related Audio

00:00

03:29

Audio: Retracted comments about Pavillion groundwater contamination

A former Wyoming regulator says he was mistaken to claim Pavillion's groundwater was polluted by the oil and gas industry.

Yet that reversal seemed unlikely to prevent a fresh round of controversy over the source of groundwater pollution in Pavillion.

State officials noted the regulator, Robert Johnson, had limited involvement in the state and federal investigations into groundwater contamination in the region. Environmentalists hailed his comments as evidence of a link between energy production and water pollution before distancing themselves from the remarks. Johnson, meanwhile, backtracked from his earlier comments, saying they were "dead incorrect."

The controversy was prompted by comments that Johnson, a former employee of the Wyoming State Engineer's Office and current oil and gas program manager at the Idaho Department of Lands, made at a public meeting in Gem County, Idaho, in October. The former Wyoming official was explaining the regulations governing Idaho's nascent oil and gas industry at the time. His comments were first reported by an environmental blog last week.

“Everybody’s heard of Pavillion Wyoming,” Johnson is heard telling the audience in an audio recording posted on the Gem County website. “Pavillion was a leaking above ground pit that was not lined. Did the industry cause it? Yes they did. Are they mitigating it? Yes they are. But should we have to mitigate it? No, that’s why we require lined pits that have been sealed and certified by a professional engineer.”

The statement initially appeared like a strong rebuke of previous statements made by Wyoming officials, who questioned the analysis of a 2011 draft report by the Environmental Protection Agency tentatively linking hydraulic fracturing, or fracking, in a decades-old gas field east of Pavillion to groundwater contamination there.

Industry representatives and some Pavillion residents claim groundwater in the area has long been contaminated by naturally occuring substances.

But much like the EPA investigation, which was dropped last summer and turned over to Wyoming to complete, Johnson backed away from his initial comments. In an interview Wednesday, he said a recent conversation with Grant Black, Wyoming Oil and Gas Conservation Commission supervisor, convinced him he was "dead incorrect" to attribute pollution to industry. His statements about the pits and poorly constructed wells are unproven, he said.

“He set me straight and told me I was wrong,” Johnson said.

Black could not be reached for comment.

Johnson's Gem County remarks were based on a case study about Pavillion presented at a conference he attended in Houston, Johnson said. The study by Lisa Denke, an engineer with two decades of experience in the energy industry, concluded contamination outside the town was caused by poorly built wells and disposal pits without liners, he said.

“I assumed when I was down there she was a qualified professional and everything she was saying was vetted," Johnson said. “We paid $1,500 a person to go to that.”

Asked why he no longer accepted Denke’s conclusion’s, Johnson replied, “I can’t prove them. I made a mistake here. I cannot as a scientist come forth with a repeatable conclusion.”

Denke, in a separate interview, said her study largely compared U.S. Geological Survey groundwater tests taken during the 1950s and 1960s in the Pavillion area to the results published in the EPA's draft report in 2011. The results' Ph levels had increased beyond “something I think you would find in nature,” she said. However, she also noted such levels could not be attributed to fluids used for fracking alone, and thus merited further study.

Her research also concluded that some of the wells in the area were poorly built, she said. It did not mention disposal pits.

In his October presentation, Johnson claimed to have worked on the Pavillion investigation for

the State Engineer's Office, saying, "I had a little more insight on this than the average person." But Wyoming State Engineer Pat Tyrrell said his office had limited involvement in the investigation beyond providing its data on stock, domestic and municipal wells to the EPA.

"Bobby was not assigned to that project," Tyrrell said. "Whatever he was doing was from sidelines."

The Wyoming Outdoor Council, an environmental group, initially hailed Johnson's comments following their publication last week on the DeSmog Blog, an Internet news site with the stated goal of "clearing the PR pollution that is clouding the science on climate change."

On Wednesday the environmental group backed away from Johnson's remarks.

"For me it really underscores our big takeaway from the water contamination in Pavillion all along, which is the need and the importance of collecting baseline data before drilling happens," said Wyoming Outdoor Council Associate Director Chris Merrill, referencing the state's recently passed baseline testing law. "And that to me, that is really the only way to avoid this kind of confusion and controversy in the future. It is really unfortunate for the people out there. They might not ever get solid answers about what caused the contamination."