UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

JAN 1 9 2012

THE ADMINISTRATOR

The Honorable Matthew H. Mead
Governor of Wyoming
State Capitol, 200 West 24th Street
Cheyenne, Wyoming 82002-0010

Dear Governor Mead:

Thank you for your letters of December 20, 2011, and January 16, 2012, regarding our groundwater investigation at the Pavillion field in Wyoming. As I stated when we last spoke by phone, I share your belief that a collaborative approach is the most appropriate course of action at this site. The EPA has made every effort to work cooperatively with the State of Wyoming and other parties, and you have my commitment that we will continue to do so. At the same time, I am concerned that your letters do not recognize the rigorous, transparent and objective approach that has marked our involvement at Pavillion to date.

Our investigation of drinking water at Pavilion has been underway since 2009 and has been supported by an extensive commitment of scientific resources. We have conducted four phases of sampling, each of which was designed in consultation with the State. We have been measured and careful in our conclusions. Upon the completion of sampling from the deep monitoring wells, the EPA career scientists engaged in a meticulous evaluation of the data. That evaluation is reflected in our draft report. Our draft findings were subject to intensive review within the EPA and reflected limited consultation with outside experts.

The evidence supporting the likely role of fracturing in the observed contamination is exhaustively presented in our draft report. I draw your attention to the careful language with which our conclusions are couched. We make clear that the causal link to fracturing has not been demonstrated conclusively, and that our analysis is limited to the particular geologic conditions in the Pavillion gas field and should not be applied to fracturing in other geologic settings.

At my direction, our staff delayed the release of our draft report by several weeks to assure that a technical review could be conducted by the State, Encana and other parties. Our staff has shared extensive data with the State and devoted many hours to meeting with your experts and the Pavillion Technical Work Group. I met personally with Encana leadership and the EPA staff met at length with Encana technical representatives. We are continuing to expend significant effort responding to outstanding questions and requests.

As I have previously expressed to you, the EPA welcomes the State's willingness to support additional scientific investigation at Pavillion. This could include additional sampling of the EPA monitoring wells and further study of the potential fate and transport of contaminants in the Wind River formation. We are in discussions with our fellow agency, USGS, about partnering on additional sampling of the monitoring wells and understand that the State has approached USGS as well. We look forward to

meeting with the State, USGS and other parties to discuss how we can best work together to meet our common scientific objectives.

As a science-driven agency, we take seriously our obligation to meet high standards of scientific integrity and have carefully evaluated the questions raised about our sampling methods at Pavillion. I am enclosing a document that reviews the principal technical concerns you and others have expressed. Based on this careful review, the EPA stands behind the quality and reliability of our data.

At the same time, we have been clear that our report is a draft and that we plan to solicit public comment and convene an independent panel of experts to peer review the draft report. Peer review is the accepted tool for resolving issues about the adequacy of scientific methods and conclusions.

In this instance, we plan to convene a panel of five to seven experts in the relevant scientific and engineering disciplines. They will be unaffiliated with the EPA and screened carefully for conflicts of interest. We have this week published a Federal Register notice requesting public nominations of potential panelists. The EPA's contractor will review the submissions, contact selected candidates for additional information, and make the final selections after the 30-day nomination period closes. I encourage you to nominate qualified scientists and engineers from Wyoming to serve on the peer review panel. I expect that at least one person recommended by the State who meets the selection criteria will be named to the panel.

We are in the process of developing a charge for the panel and plan to share a draft with you and other interested parties to obtain feedback. After the charge is finalized, the panelists will meet publicly to consider and weigh their expert opinions on the charge questions. The public will have the opportunity to provide oral and written comments at that meeting. The panel will then submit their separate reports to the Agency, and of course those reports will be publicly available.

Your letter requests that we schedule a public listening session at a site convenient to Wyoming residents. I am pleased to report we plan to schedule the public peer review meeting in Cheyenne.

As requested by the State and Encana, we will soon announce an extension of the ongoing comment period on the draft report. To facilitate comment, we will be posting additional technical information on the EPA website, including written responses to the State's four-page list of questions. This comment period will later be augmented by the opportunity to comment to the peer review panel, as noted above.

In short, EPA will continue to act thoughtfully and transparently in our groundwater investigation. We greatly value our partnership with the State of Wyoming and are committed to continuing it. If you have further questions, please contact me or your staff may call Sarah Hospodor-Pallone, Deputy Associate Administrator for Intergovernmental Relations, at 202-564-7178.

Sincerely,

Lisa P. Jackson

Cc: Ken Salazar, Secretary of the Interior

Enclosure