{In Archive} Public Comments - Draft Charge

Stewart, David A. to: Rebecca Foster 03/02/2012 02:44 PM

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1 attachment

2012-03-01 - Public Comments on US EPA Draft Report.pdf

Dear Ms. Foster,

Encana respectfully submits the attached public comments on EPAs draft charge on the Pavillion matter.

Best Regards,
David Stewart
Encana

----- Original Message -----
From: Cabaniss, Susan
Sent: Thursday, March 01, 2012 01:42 PM
To: Stewart, David A.
Subject: updated letter

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encana natural gas

March 1, 2012

Rebecca Foster
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RE: Public Comments on the U.S. Environmental Protection Agency's Draft Charge for Peer Review of its Draft Report "Investigation of Ground Water Contamination near Pavillion, Wyoming"

Dear Ms. Foster:

On February 7, 2012, the U.S. Environmental Protection Agency (EPA) posted a "Draft Peer Review Charge" on the Region 8 Pavillion, Wyoming web page and requested public comment. This letter responds to the request and provides comments by Encana Oil & Gas (USA) Inc. (Encana) on the EPA's draft charge for EPA's draft "Investigation of Ground Water Contamination near Pavillion, Wyoming" the (Draft Report).

Attached to this letter is an alternative, proposed charge. This alternative proposal accommodates the balance between specificity and generality posted for a peer review charge in Section 3.2.1 of the EPA Peer Review Handbook. We ask that the alternative charge be provided to the Pavillion Field Draft Report peer review panel for the following reasons.

Proposed Question 1: The alternative charge focuses the peer review panel on the original impetus for EPA's investigations in Pavillion Field. It asks the peer review panel whether EPA's activities were planned and executed appropriately to obtain sufficient information to evaluate the cause(s) of the palatability issues raised by area residents. The EPA's draft charge does not mention palatability or whether the necessary information was gathered to evaluate the taste and odor concerns that initiated the investigation.

Proposed Question 2: The alternative charge asks whether the Draft Report accurately presents and considers all relevant data, provides reasons for excluding certain data, and appropriately considers overall data integrity. The EPA's proposed charge does not address these very important matters. We

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believe an independent and thorough review is necessary due to the (i) unexplained omission of soil gas data in the Draft Report; (ii) unexplained omission of critical data with regard to VOC and SVOC analysis and interpretation; (iii) interpretations of the EPA relating to chromatogram results and the significance of numerous trip, laboratory and method blanks; and, (iv) use of methodologies not approved by the EPA for use by other entities.

Proposed Question 3: The alternative charge addresses the conclusions reached by the EPA and sufficiency of the information and evaluation. It does not assume, as does the EPA question 3, that the "lines of evidence" approach is scientifically appropriate or valid for the investigation or the conclusions in the Draft Report. It also does not assume that methane migration has been enhanced in Pavillion field or the deeper unit of the Wind River Formation is contaminated.

Proposed Question 4: Asks the panel to explicitly consider whether the Draft Report transparently, objectively, and accurately presents and evaluates whether other sources (i.e., septic systems, agricultural and domestic practices, and surface runoff) are causes of the residents' taste and odor concerns. The EPA's proposed charge does not address this issue which, given site specific circumstances in Pavillion Field, are particularly relevant and need to be considered by the panel.

Proposed Question 5: Asks the panel to specifically identify critical data gaps in the Draft Report, such as (i) omission of an analysis of analytical data that could explain issues relating to palatability, such as bacteria, TDS, chlorides, and sulfides; (ii) an accurate spatial and temporal analysis of domestic water wells to historic pits and natural gas well bores; and, (iii) a comparison of analytical results from all four phases to those compounds indicative of septic system, agricultural or domestic practices contamination. EPA's proposal fails to ask the panel to identify any data gaps.

Proposed Question 6: According to the Office of Management and Budget's (OMB's) Peer Review Bulletin (OMB Bulletin), "the charge should ask that peer reviewers ensure that scientific uncertainties are clearly identified and characterized" and "reviewers should be asked to ensure that the potential implications of the uncertainties for the technical conclusions drawn." The EPA's draft charge does not cover all of these points. Encana's proposed Question 6 includes all aspects of the OMB Bulletin on these crucial issues. In addition, this question incorporates EPA's language recognizing the scientific importance of confounding factors and their implications for the Draft Report and its conclusions.

We appreciate the opportunity to provide the above comments on the EPA's draft charge for the Draft Report peer review panel.

Sincerely,
Encana Oil & Gas (USA) Inc.

John Schopp
Vice President, North Rockies Business Unit

cc: David Stewart, Encana
Betsy Temkin, Temkin Wielga & Hardt LLP

Encana Proposed Charge

The U.S. Environmental Protection Agency has conducted an investigation into potential groundwater contamination near Pavillion, Wyoming, in response to concerns expressed by domestic well owners about the odor and taste of the water in their wells. The area of investigation is located above the Pavillion Gas Field in the Wind River Basin, which contains 169 vertical production wells. Many of these production wells have undergone hydraulic fracturing in gas production zones within the Wind River Formation.

The draft report, entitled "Investigation of Ground Water Contamination near Pavillion, Wyoming" (Draft Report), describes the methods, findings, and conclusions of this investigation. EPA is requesting a thorough, critical and unbiased scientific peer review of the Draft Report answering the following questions.

1. Was the investigation appropriately planned and executed to provide sufficient geological, hydrogeological, geophysical, chemical, geochemical, microbiological, petrophysical, and other data to properly evaluate the cause(s) or source(s) of any groundwater contamination?

2. Does the Draft Report accurately present and consider all relevant data and, if not, does it present objective and accurate reasons for excluding data? Does the Draft Report objectively and accurately address the integrity, reliability, reproducibility, and robustness of each data set?

3. Does the Draft Report transparently, objectively, and accurately present sufficient site-specific information (including temporal and spatial), analytic data, and evaluation for its draft conclusions:

   (a) that enhanced migration of gas is occurring, and that natural gas production activities are likely responsible for any such migration; and

   (b) that compounds used for hydraulic fracturing of gas wells in this area have been released into groundwater at depths "above the gas production zone," and that the source and cause of groundwater contamination is likely from hydraulic fracturing?

4. EPA detected pharmaceuticals, vitamin agents, fragrance-related compounds, paint products, disinfectants, a variety of fatty acids, and pesticides in groundwater. Does the Draft Report transparently, objectively and accurately present and evaluate sufficient information to support its conclusion that septic systems, agricultural and domestic practices, and surface runoff are not causes or sources of any groundwater contamination?

5. What are critical data gaps in the investigation or Draft Report?

6. Does the Draft Report clearly identify and characterize confounding factors and uncertainties and are the potential implications of uncertainties for the evaluation and conclusions clearly drawn?