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

APR 10 2013

OFFICE OF
RESEARCH AND DEVELOPMENT

The Honorable David Vitter
Ranking Member
Committee on Environment and Public Works
United States Senate
Washington, DC 20510

Dear Senator Vitter:

Thank you for your letter dated January 17, 2013, to the U.S. Environmental Protection Agency (EPA) regarding the Draft Report, "Investigation of Ground Water Contamination near Pavillion, Wyoming." The EPA's Region 8 office is leading the ground water investigation in Pavillion with technical support from the agency's Office of Research and Development. Following are the responses to your questions.

In light of the flawed process and lack of proper scientific analysis in EPA's initial draft report, along with the Agency's continued mismanagement of the investigation, how can a credible final product possibly be salvaged?

The EPA followed scientifically accepted procedures in the conduct of the ground water investigation in Pavillion, WY under the Comprehensive Environmental Response Compensation and Liability Act's (CERCLA) authority, also known as Superfund. The EPA consistently followed rigorous quality assurance protocols specific to the requirements and needs of the investigation, which include Audits of Data Quality and technical system audits.

The EPA is extending the public comment period for the draft research report to September 30, 2013. During this time, the EPA will continue its public outreach activities including meeting with key stakeholders and posting additional technical information on the agency's website. This extension will allow the public additional opportunity to comment on the EPA's draft report and the latest round of sampling conducted by the EPA and U.S. Geological Survey. The agency will take into account new data, further stakeholder input, and public comment as it continues to review the status of the Pavillion investigation and considers options for moving forward. The EPA remains committed to transparency and this effort will benefit from the additional time afforded by the extension of the public comment period.

While EPA has been investigating water quality issues and their possible relationship to hydraulic fracturing in Pavillion, WY, the Agency began crafting a larger study on the potential impacts of hydraulic fracturing on drinking water resources. This larger study applies similar methodologies to those of the Agency in Pavillion as well as the suspect processes used in other erroneous investigations in Dimock, PA, and Parker County, TX.

Based on this record, how can Congress and the public have any confidence in the results of this ongoing study? Given the serious flaws in EPA's scientific processes with regards to investigating

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hydraulic fracturing, how can the Agency possibly plan on using this study as an authoritative document to potentially justify future regulations?

At the request of Congress, the EPA is conducting a research study to better understand any potential impacts of hydraulic fracturing on drinking water resources (study). The EPA's study is designed to answer key research questions about the potential impacts of hydraulic fracturing on drinking water resources during different stages of the hydraulic fracturing water cycle.

The study's report of results, expected in late 2014, has been designated a Highly Influential Scientific Assessment (HISA), and the EPA is adhering to a rigorous, transparent peer review of the data and conclusions of the Study. As a HISA, the report of results and its underlying data will receive the highest level of peer review in accordance with the EPA's peer review handbook.

In addition, the EPA's Science Advisory Board (SAB) is forming an ad hoc panel of independent experts who will, under the auspices of the SAB, provide periodic advice and review on the EPA's Study. The ad hoc panel will start with a consultation to provide feedback on the EPA's 2012 Progress Report, and conclude with a formal review of the report of results.

Finally, the EPA is committed to a number of stakeholder outreach activities to inform the report of results, which includes periodic roundtable meetings and technical workshops. Additional information on stakeholder engagement as it relates to the study can be found here: http://www.epa.gov/hfstudy/stakeholder-roadmap.html

Thank you, again, for your letter. If you have further questions, please feel free to contact me or your staff may contact Pamela Janifer in the EPA's Office of Congressional and Intergovernmental Relations at (202) 564-6969.

Sincerely,

Lek Kadeli
Principal Deputy Assistant Administrator