

Office of the Governor

December 20, 2011

Administrator Lisa Jackson
Environmental Protection Agency
Ariel Rios Building
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460

Dear Administrator Jackson,

I hope we can work together to move the work surrounding Pavillion water to a more cooperative, logical and scientific approach. The status, safety and the source of any contaminants to the water supply are issues I take seriously and I know you do too. The current direction is a dramatic change from the Environmental Protection Agency's (EPA) original suggestion that the available data supported additional research, testing and clarification. Now we are at a point where many, including some at EPA, have rushed to conclusions that raise specters of cracked earth and these conclusions are not supported by available evidence.

I would like to see efforts based on a cooperative, fully science-based analysis that truly serves the interests of Wyoming's people, particularly citizens in the Pavillion area, Wyoming's resources and industries, and the public at large. My specific requests are outlined below. At the request of the EPA, the State of Wyoming formed a working group to continue the Pavillion investigation. Initially, all broadly agreed that the information and data points were probably insufficient to support a broad critique of fracking and that additional samples should be taken and analysis performed before final conclusions were reached. Somewhere along the line, EPA seems to have abandoned a reasonable approach in favor of an effort resulting in a delay of further sampling and information development until the completion of the peer review process. This seems entirely backward.

More data, more sampling and additional analysis would buttress our efforts to reach a fair conclusion in this controversial area. It would also move us more rapidly towards a solution for the residents of Pavillion. I have budgeted additional monies for additional investigative efforts and the Wyoming Water Development Commission has already expended considerable resources in this area.

I am troubled by the EPA's dismissal of the practical concerns raised by the Wyoming Oil and Gas Conservation Commission (WOGCC), Wyoming Department of Environmental Quality (DEQ) and Encana related to the nature and the protocols employed in conducting the sampling procedures. Ignoring these concerns while delaying further sampling simply adds to the cloud of controversy surrounding the underlying work as well as the ultimate report.

The personnel at WOGCC and DEQ have demonstrated a willingness to cooperate with the EPA to look for a scientifically based set of answers. These folks are experts in their fields for the State and should be accorded credibility in a partnering relationship.

I ask your cooperation in conducting additional testing now. Any recommendations or conclusions can only be drawn after a thorough process. This requires methodical testing, neutral samples, critical

Ms. Lisa Jackson, Administrator, EPA

December 20, 2011

Page 2

analysis and thoughtful conclusions. I would like to achieve this in partnership with the EPA and prior to the peer review.

I also ask for a full and candid exchange of information. Any joint undertaking must be based upon a full disclosure of information by all parties. I appreciate the information you have shared to date, but I believe it falls short of full disclosure. I hope this circumstance can be rectified.

Finally, I would like to revisit the peer review process. Wyoming State agencies and the USGS have been working to formalize a thorough and rapid study of the facts on the ground and a strategy to move forward. Again, these efforts would be significantly strengthened by a cooperative State and federal effort and will be most effective if EPA is willing to revisit this part of the process before the peer review. With that in mind, I note the peer review is critical and I have both questions and concerns.

The EPA's approach to the peer review process seems destined to create further tension between the State of Wyoming, EPA, industry and the people of Pavillion. While you have committed to allow Wyoming to participate in the peer review process, which is welcome news, I have received conflicting information about the peer review process and request that you provide me with a more definitive outline of the process. First I ask that you consider Wyoming's expertise in forming the review panel. Wyoming's geography, hydrology and geology draw the best in the field and these individuals would be an asset. I have a few questions of specific interest:

- What is the specific charge to be given to the peer review panel?
- Will peer review panel member selection give deference to the unique geology and hydrology of the Wind River and Fort Union formations?
- Is it your expectation that peer review panel members develop one final consensus report; or rather do you anticipate five independent reports?

Additionally, I would request that any peer review panel public hearings be held in Wyoming.

I look forward to hearing from you. I believe there is still opportunity for a collaborative effort designed to serve all citizens in an unbiased approach.

Sincerely,



Matthew H. Mead
Governor

cc: Senator Mike Enzi
Senator John Barrasso
Representative Cynthia Lummis
John Corra, Director, Department of Environmental Quality
Tom Doll, Director, Oil and Gas Conservation Commission