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U.S. Environment Protection Agency
EPA Docket Center
Mailcode 28221T
1200 Pennsylvania Ave., NW
Washington, D.C. 20460

RE: Assessment of the Potential Impacts of Hydraulic Fracturing for Oil and Gas on Drinking Water Resources Docket ID No. EPA-HQ-OA-2015-0245

Dear Administrator McCarthy:

Western Energy Alliance appreciates the opportunity to comment on EPA's *Assessment of the Potential Impacts of Hydraulic Fracturing for Oil and Gas on Drinking Water Resources*. We support EPA's conclusion based on the best available scientific evidence that hydraulic fracturing has not led to widespread, systemic impacts on drinking water resources in the United States. That conclusion was reached after conducting the most comprehensive study of hydraulic fracturing to date that drew from 3,700 sources of scientific information and produced 20 peer-reviewed research papers. EPA's well-researched and documented study demonstrates that hydraulic fracturing is being done across the nation in a manner protective of water quality.

EPA did identify processes that could lead to drinking water impacts but rightly concluded that the number of identified cases of water resource impacts was small compared to the number of hydraulically fractured wells. We would like to emphasize that robust state regulations coupled with implementation of current, delegated federal regulations already provide ample protection against these risks.

Western Energy Alliance represents over 450 companies engaged in all aspects of environmentally responsible exploration and production of oil and natural gas in the West. The Alliance represents independents, the majority of which are small businesses with an average of fifteen employees.

Although there are risks associated with hydraulic fracturing, there are several federal and state regulations that ensure that those risks are managed and minimized. States have developed robust regulatory frameworks for the entire oil and natural gas development process, including hydraulic fracturing. EPA's study examined the entire life-cycle of oil and natural gas development as it relates to the hydraulic fracturing process, beginning with

water acquisition, followed by chemical mixing, well injection, flowback and produced water management, and lastly wastewater management and waste disposal. These activities are thoroughly regulated in oil and natural gas producing states where hydraulic fracturing is occurring. In its report, EPA observed a very small rate of impacts to drinking water resources relative to the number of hydraulically fractured wells which indicates that state regulation is robustly protecting water resources.

EPA's analysis of hydraulic fracturing demonstrates the significant variability in hydraulic fracturing operations based on differing geologic conditions, well depth, aquifer characteristics, surface conditions, and water availability. These important differences affect how hydraulic fracturing operations are conducted. What becomes clear from the report is that given the varied characteristics of each producing basin, states should continue maintain primacy in regulating hydraulic fracturing operations. A federal, one-size-fits-all regulatory scheme is inappropriate for such diverse operational conditions.

Existing state and federal regulations are protective of water quality and regulators are continuously strengthening their rules. In addition, the Interstate Oil and Gas Compact Commission (IOGCC) provides extensive support to state oil and gas commissions in the form of model regulation and other technical support, including review of state regulations. IOGCC enables sharing of innovative techniques and environmental protection strategies among states on various regulatory aspects such as chemical handling, well injections, flowback fluids and produced water, as well as wastewater management and waste disposal. The IOGCC is effective at supporting state regulatory processes and helping to continuously improve regulations.

In addition to overall process improvement, states are strengthening rules that pertain specifically to each aspect of the hydraulic fracturing life cycle. In the study, EPA identified wellbore construction as a possible area of risk to water resources. An improperly cased and cemented well could pose a potential risk. However, well construction and wellbore integrity testing are already regulated effectively at the state level. States require a variety of measures to ensure wellbore integrity such as mechanical integrity testing; petrophysical and casing cement bond well logging, including for nearby wells; casing and cement standards; surface casing pressure monitoring during hydraulic fracturing operations, reporting of fluids being injected, , and submittal of geologic and hydrological data. In addition, state regulatory agencies have the ability to witness well construction and completion activities and review records to ensure compliance with the well integrity rules.

Another risk highlighted by EPA is the possibility of produced water spills on or near wellpads. However, these risks are currently accounted for through EPA's Spill Prevention,

Control, and Countermeasure (SPCC) rule, which encompasses all upstream oil and gas activity. States also typically require waste management plans that cover produced fluids as a part of their drilling permit process, and also have rigorous spill reporting and remediation rules.

EPA also raised concerns about wellbore communication resulting from hydraulic fracturing operations, sometimes called “frack hits.” Although pressure communication between wells could cause adverse impacts, it is an easily avoided situation. Operators can simply notify nearby well owners, who can then shut in their wells during the fracture stimulation process and monitor for any pressure impacts. In fact, many states require this notification and monitoring process. Existing state regulations also require operators to identify and review the mechanical integrity of any nearby abandoned and active wells as part of the drilling permit process.

Handling and disposal of flowback fluids is another possible risk to water resources. As with the other areas of risk identified in EPA’s study, this risk is also currently mitigated through existing state regulations which include mechanical integrity test requirements for disposal or enhanced recovery wells. Fluid handling and disposal are also currently regulated under the Clean Water Act and the Safe Drinking Water Act. The National Pollutant Discharge Elimination System protects surface waters by regulating both the volume and concentration of pollutants that can be discharged.

Western Energy Alliance appreciates the opportunity to comment on EPA’s hydraulic fracturing study. We support EPA’s conclusion that hydraulic fracturing does not pose widespread, systemic risk, which is due to strong state regulation. We support the continued regulation of hydraulic fracturing by the states, which are best suited to protect the environment by adapting to the unique conditions of each producing basin.

Sincerely,



Kathleen M. Sgamma
Vice President of Government & Public Affairs