

EPA Chartered Science Advisory Board

June 14, 2016 Meeting

SAB Review of the EPA's draft Assessment of the Potential Impacts of Hydraulic Fracturing for Oil and Gas on Drinking Water Resources

**Comments by Jeff Zimmerman on behalf of
Damascus Citizens for Sustainability, NYH2O and Citizens for Water**

We appreciate this opportunity to share our thoughts regarding the draft SAB report prepared by the Research Advisory Panel. At the outset, we wish to express our support for the draft prepared by the Panel. As citizen NGOs that have participated in the Panel's work since this project began, we especially want to applaud the open and transparent process the Panel and the SAB staff have adhered to throughout this project.

There are five points I would like to make today. First, I want to underscore the importance of the discussion in the draft Report about the three poster children of hydraulic fracturing damage to the public and the environment. These are Dimock Pennsylvania, Pavillion Wyoming and Parker County Texas. The Panel correctly calls on EPA to incorporate these cases in a more meaningful way in its further investigation and assessment. But we urge you to recognize that these sites are only the tip of the iceberg among heavily and irreversibly impacted localities. Sites in Hickory Township Pennsylvania, Clearville Township Pennsylvania, Wyalusing Township Pennsylvania, Garfield County Colorado, Porter Ranch California, Bainbridge Ohio and many, many more demand equal attention and action. A review of the Compendium of Scientific, Medical, and Media Findings Demonstrating Risks and Harms of Fracking and the List of the Harmed will provide thousands of sites across the United States that cry out for EPA's attention.

The second point is about data regarding contamination of water supplies and property. All too often we are finding that regulatory agencies will not accept data on contamination obtained by property owners or individuals who have been exposed to contamination from one or more activities in the hydraulic fracturing water cycle (HFWC). Often the regulators question whether

appropriate sampling, custody, and analysis protocols have been observed. Yet and at the same time, these regulatory agencies will accept without question data developed by industry at these same sites. If there is documentation of adherence to protocols applied in sampling, custody and analysis, there can be no justification for not considering the data obtained by the property owner or impacted individual. After all, there are situations in which data from the regulatory agency's own testing may be questionable. Data is data, and all of it should be considered with equal weight if proper protocols have been followed.

My third point relates to best management practices. The draft Report from the Panel credits and encourages EPA to support the application by the gas industry of best management practices (BMPs) to actions within the HFWC. However, the discussion of BMPs in the draft Report overlooks several factors that should be weighed as counter balancing considerations. BMPs are entirely voluntary. There is no mechanism to require that they be applied during the HFWC processes. There is no enforceability of BMPs, nor is there any metric to define what is and what isn't a BMP. These considerations should be added to the draft Report.

This brings me to my fourth point. There should be a recognition in the draft Report and in EPA's Assessment that fracked gas development is an inherently contaminating industrial process. The scientific literature reports that between 4% and 12% of all hydraulic fractured wells will leak immediately upon completion. Further, the contamination caused by these activities is permanent. An underground source of drinking water that becomes contaminated from fracking activities is forevermore contaminated. In a very real sense, fracked gas development areas become sacrifice zones.

My fifth and final comment is that, we agree with the Advisory Panel that the EPA conclusion in its draft assessment report about widespread systemic impacts on drinking water cannot stand. Moreover, quite to the contrary we believe that widespread systemic impacts on drinking water sources have been demonstrated by the overwhelming body of scientific information reported in the peer-reviewed literature on this subject.

Thank you for the opportunity to testify today and to participate in the process followed by the Research Advisory Council on this extremely important topic.

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