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**Via Electronic Mail ([sab@epa.gov](mailto:sab@epa.gov)) & Overnight Delivery**

U.S. EPA  
Science Advisory Board Staff Office  
Ronald Reagan Building  
1300 Pennsylvania Ave., NW  
Suite 31150  
Washington, D.C. 20004

Re: Comments on EPA's Hydraulic Fracturing Study Plan

Dear Sir or Madame:

The following comments are submitted on behalf of Yates Petroleum Corporation (Yates) with respect to Environmental Protection Agency's (EPA) Draft Plan to Study the Potential Impact of Hydraulic Fracturing on Drinking Water Resources (the Draft Study). Yates has been leasing and operating in the Rocky Mountain West for over 30 years and currently holds a number of oil and gas leases throughout the region. As a result, Yates has a significant interest in the regulation of hydraulic fracturing operations and the impacts associated with such operations. Yates appreciates the opportunity to comment on the Draft Study.

The Draft Study provides that EPA intends to undertake three to five retrospective case studies that are "illustrative" of the types of problems that have been reported to EPA during the stakeholder input process. While Yates agrees that such studies may be helpful, it is difficult to imagine that "three to five" studies used only to illustrate "the types of problems" that have been raised by stakeholders will provide the most reliable data and cannot serve as the basis for any conclusions applied to the industry as a whole. First, the number of such studies is inadequate to provide representative data or information. Second, on its face, the Draft Study fails to take into account the vast number of *existing* sites where there is no alleged impact on groundwater. Third, it is unclear what procedure EPA will follow in selecting retrospective case study sites. Finally, any retrospective studies should rely on the best available science (as required by the Appropriations Conference Committee (ACC) and factual evidence and not rely on only anecdotal or circumstantial evidence.

The Draft Study also proposed undertaking between three and five prospective case studies. Again, it is unlikely that so few case studies, given the number of sites, would be representative of the entire industry.

In the past, the ACC has stated that EPA is to work with appropriate state and interstate agencies in carrying out the study. The Draft Study states that EPA will *not* evaluate the current regulatory framework developed by the states as part of this study. In the absence of this background, it is unlikely that the study will provide much insight. We suggest that the Draft Study include a review of state regulations (as well as applicable federal regulations) for purposes of determining whether the regulatory framework in place is sufficient to protect groundwater. This is especially important given that a number of states have been involved in regulating hydraulic fracturing for the last half-century and can provide significant input regarding the effectiveness of regulatory programs, technological developments and best management practices. Finally, efforts taken by state regulatory agencies to protect groundwater sources should be considered as an integral part of the Draft Study.

As always, Yates appreciates this opportunity to provide comments on the Draft Study to the Science Advisory Board. Please give us a call if you have any questions.

Sincerely,

Matthew Joy