

Written Summary
of
Testimony by Hope Forpeace
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before the
Hydraulic Fracturing Research Advisory Panel
Hearing: Review of EPA draft Assessment Report on Hydraulic Fracturing

Mr. Chairman and Members of the Advisory Panel,

Thank you for this opportunity to present some of the findings from my research and explain how they relate to the relevancy, accuracy and value of the EPA's Draft report: EPA's Study of Hydraulic Fracturing for Oil and Gas and Its Potential Impact on Drinking Water Resources.

My name is Hope Forpeace, I'm a producer for a non-profit media production group, AK productions. For more than a year I've been researching cases of water contamination related to the American boom in hydraulic fracturing for an upcoming film project. I have traveled the US meeting victims, researching individual cases of contamination and seeing firsthand the devastating impact the loss of their water source has on these victims. I lived for six weeks inside the nine-mile Cabot moratorium in Dimock, PA, and have spent many months living on the property of the Lipsky family in Parker county Texas. I wish I could share all of the first hand stories I've gathered, but that would take far too long. I can tell you that many of the cases I've encountered have not been reported to authorities because many contamination victims are afraid to go public. Often victims work for industry and fear losing their jobs, or they are afraid to be labeled anti-fracking activists just for reporting water contamination. Many are afraid of industry retribution, or of losing compensation that industry routinely ties to non-disclosure agreements.

I would like to quickly share one story that illustrates the on-the-ground reality of fracking that does not make it into the news media or scientific studies. The water well in this case produced good water for years before fracking occurred nearby. A few months after fracking occurred, the water turned fizzy and smelled like gasoline. The family is working directly with the operator believed to have contaminated their water, not with local regulators. Despite clear signs of contamination by fracking-related activities, they continue to use their water for non-potable uses like filling their above ground pool. They recounted to me how using their polluted water is safe because the methane disappears in a few hours – but when they apply chlorine to the pool, the pool turns lavender in color and fizzes. This lasts a few hours and then it's safe to swim. The operator tells them this is safe and state regulators admit they have done no testing of that water well and don't plan to.

This is the kind of danger the public faces when state and federal regulatory systems fail to protect them. Sadly, the EPA draft report we are here to comment on exhibits the same kinds of failure on a much larger scale. The main talking point taken from the study is that water contamination is not widespread or systemic, but the report leaves out virtually all of the known contamination cases resulting from the recent fracking boom. We know there are hundreds of cases of water contamination, including 243 reported by Pennsylvania's Department of Environmental Protection, yet all were omitted from the EPA's study.

I was living on the Lipsky property, conducting research for our upcoming film, when the report was released in June. It was stunning to be at the site of one of the most serious cases of water contamination in the country and find that it was left out of a supposedly comprehensive report on fracking's effect on drinking water. I asked EPA why these known cases were left out. The reply I received was very curious. The representative I talked to told me that the draft assessment was not meant to cover actual cases, but was intended to determine the *potential* for water contamination. I was mystified by the idea that a study on the potential for fracking to contaminate drinking water would leave out all the actual cases of fracking contaminating drinking water.

It is clear to me that the reason these known cases were omitted is political. The gas and oil industry has fought to avoid admitting any responsibility for drinking water contamination—and especially those cases investigated by EPA. To include these known cases in this assessment, EPA would have had to challenge industry's claim that there has never been a proven case of water contamination. This claim is an important part of the cover story that allows the oil industry to move forward with their plan to install the infrastructure for a global LNG market. Challenging this cover story is a task the EPA doesn't have the political power to undertake. Republican Senators like Jim Inhofe have fought on behalf of industry to deny ANY cases of water contamination related to fracking. Despite reports from EPA's Inspector General that validate EPA's findings and science in these cases, they claim—largely unchallenged—that EPA is now 0 for 4 in their search of water contamination from fracking.

EPA's reply to my question also included the fact that five cases studies were conducted for the draft assessment. But in all five of these cases, water contamination of some kind occurred. Isn't that a clear indication that pollution IS widespread and systemic? How can water contamination not be widespread and systemic when EPA found contamination in 100 percent of the cases examined? This undercuts the credibility of the EPA's recent draft assessment.

A FOIA request of EPA's communication with the gas oil industry completed by Greenpeace exposes how and why EPA found no widespread or systemic water contamination. The gas and oil industry clearly inhibited EPA's ability to do baseline testing and compare these with tests conducted after drilling occurred. EPA worked diligently to try and appease industry while still doing good science. The draft report proves that's just not a possibility.

The Lipsky case is a good example of the bad faith this industry frequently displays. Range Resources, the operator whose gas wells polluted the Lipsky's water had promised to open well pads for study for this draft assessment. The agreement was part of deal to get EPA to

drop their Emergency Order against Range after isotopic testing matched the gas in the Lipsky water well to nearby production gas from Range Resources wells. The EPA did drop their Emergency Order, which was very unfortunate, but Range Resources did not allow the EPA to study any of their gas wells. Range suffered no penalty for failing to allow EPA's testing.

It was unfortunate that the EPA dropped their Emergency Order against Range Resources because the Order was based on sound testing. The EPA used isotopic testing to match the gas in the Lipsky water well to nearby production gas from Range Resources gas wells in December of 2010, nearly five years ago. Since then the Lipskys have been caught in a political war between the EPA and Texas state regulators. The Railroad Commission in this case, has done a great job of covering for Range and leaving the Lipsky's without regulatory protection.

The day after the EPA issued their Emergency Order in Parker County, the Texas Railroad Commission called a hearing in the case. They gave the Lipsky's just 4 weeks to prepare to face Range Resources army of lawyers. In that hearing, the Railroad Commission ignored their own testing showing levels of benzene above health standards, they ignored public maps showing known geologic faults, they even ignored a violation against the operator on the well suspected of polluting the Lipsky's water. The only testing that was presented at the Railroad commission hearing, held in January of 2011, was Range Resources testing. That testing obviously contained false negatives that anyone familiar with natural gas should have caught.

For instance, the testing found nearly 50% gas in the water well's headspace, but zero methane at the water well's vent. That's scientifically impossible. Range's testing also included ambient air readings of zero ethane, zero methane, but small amounts of propane. This is a reading possible only if you are testing a propane tank, not a water well full of natural gas, which is mostly methane. The tests also showed only 2.3 part per million methane in the water itself. Yet a photo of the water on fire submitted to Range and the Railroad Commission proves the water contained at least 28 parts per million of gas – the level needed for the gas in the water to ignite. The Texas Railroad Commission should have caught Range's bad science. But, like so many state regulators across the nation, TRRC worked harder to protect industry than they did to protect impacted homeowners.

In 2013 the EPA's Office of Inspector General released a report after an investigation into the Lipsky's case. The OIG found that the EPA has the authority to issue the order and upholding the science that has originally linked the pollution to a Range Resources gas well. Despite the OIG's findings, Republican politicians frequently use the Lipsky's case as an example of EPA's over-reach and bad science. Every year a congressional hearing is held on the topic of EPA over-reach and Texas Railroad Commissioners testify that the Range Resources case is an example of the EPA's poor science.

In fact, the Railroad Commission's poor science allowed Range Resources to sue the Lipsky's and helped to keep their case out of national attention. The EPA's draft study is doing exactly the same thing. As the gas and oil industry plans a global LNG market, and the nation

decides if that is a safe prospect, real, serious and relevant cases of water contamination from fracking are being kept from the public's notice. I hope the EPA will rethink allowing this study to be again used to cover up the truth instead of un-covering the truth about fracking's impact on the nation's drinking water.