



BEFORE THE OIL AND GAS CONSERVATION COMMISSION
OF THE STATE OF COLORADO

IN THE MATTER OF CHANGES TO THE
RULES OF THE OIL & GAS CONSERVATION
COMMISSION OF THE STATE OF COLORADO
TO CONSIDER HYDRAULIC FRACTURING
DISCLOSURE RULES

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CAUSE NO. 1R
DOCKET NO. 1112-RM-04

ORIGINAL

MOTION TO SUPPLEMENT RECORD

Colorado Environmental Coalition, Earthworks Oil and Gas Accountability Project, the National Wildlife Federation, San Juan Citizens Alliance, and High Country Citizens' Alliance (collectively, the Conservation Groups) respectfully submit this motion to supplement the record with a December 8, 2011 announcement by the United States Environmental Protection Agency (EPA) of draft findings from a Pavilion, Wyoming investigation into potential ground water contamination associated with oil and gas development. Western Colorado Congress (WCC) also joins this motion.

EPA's December 8, 2011 draft findings from Pavilion "indicate[] that ground water in the aquifer contains compounds likely associated with gas production practices, including hydraulic fracturing." See December 8, 2011 press release, attached.

EPA also reported that:

[A]nalysis of samples taken from the Agency's deep monitoring wells in the aquifer indicates detection of synthetic chemicals, like glycols and alcohols consistent with gas production and hydraulic fracturing fluids, benzene concentrations well above Safe Drinking Water Act standards and high methane levels. Given the area's complex geology and the proximity of drinking water wells to ground water contamination, EPA is concerned about the movement of contaminants within the aquifer and the safety of drinking water wells over time.

Id. (emphasis added). The full report can be found at:
http://www.epa.gov/region8/superfund/wy/pavillion/EPA_ReportOnPavillion_Dec-8-2011.pdf.

EPA's draft findings were not available to the Conservation Groups or WCC at the time of Monday's hearing in this matter. Those findings are, however, responsive to the testimony by Halliburton that there is "no substantiated evidence that hydraulic fracturing has ever contaminated underground sources of drinking water." See written testimony of Mike Watts on behalf of Halliburton Energy Services, Inc. at 5 (filed December 2, 2011). The findings also are relevant to questions posed by Commissioner Alward at the hearing about the extent to which scientific studies have been conducted to look for evidence of such contamination.

CERTIFICATE OF SERVICE

I hereby certify that on this 9th day of December, 2011, I caused one original with 13 true and correct copies of the above MOTION TO SUPPLEMENT RECORD to be delivered to the following:

Peter Gowen, Hearing Manager
Docket No. 1112-RM-04
Colorado Oil and Gas Conservation Commission
1120 Lincoln Street, Suite 801
Denver, CO 80203

I also hereby certify that on this 9th day of December, 2011, I caused one true and correct copy of the above MOTION TO SUPPLEMENT RECORD to be delivered to the following:

Jake Matter
Colorado Department of Law
1525 Sherman Street, 5th Floor
Denver, CO 80203

In addition, electronic copies in .pdf format were sent to:

Cogcc.rulemaking@state.co.us

and to other parties listed on the party service list posted on the COGCC web site.



Michael S. Freeman