

The EPA Is Letting Energy Companies Pollute Our Drinking Water | Mother Jones

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The EPA Is Letting Energy Companies Pollute Our Drinking Water

'Aquifer exemptions' let companies dump drilling and fracking waste into the water supply.

By **Abrahm Lustgarten**, *ProPublica* | Wed Dec. 12, 2012 3:03 AM PST

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This story first appeared on the ProPublica website.

Federal officials have given energy and mining companies permission to pollute aquifers in more than 1,500 places across the country, releasing toxic material into underground reservoirs that help supply more than half of the nation's drinking water.

In many cases, the Environmental Protection Agency has granted these so-called aquifer

exemptions in Western states now stricken by drought and increasingly desperate for water.

EPA records show that portions of at least 100 drinking water aquifers have been written off because exemptions have allowed them to be used as dumping grounds.

"You are sacrificing these aquifers," said Mark Williams, a hydrologist at the University of Colorado and a member of a National Science Foundation team studying the effects of energy development on the environment. "By definition, you are putting pollution into them...If you are looking 50 to

100 years down the road, this is not a good way to go."

As part of [an investigation into the threat to water supplies](#) from underground injection of waste, *ProPublica* set out to identify which aquifers have been polluted.

We found the EPA has not even kept track of exactly how many exemptions it has issued, where they are, or whom they might affect.

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What records the agency was able to supply under the Freedom of Information Act show that exemptions are often issued in apparent conflict with the EPA's mandate to protect waters that may be used for drinking.

Though hundreds of exemptions are for lower-quality water of questionable use, many allow grantees to contaminate water so pure it would barely need filtration, or that is treatable using modern technology.

The EPA is only supposed to issue exemptions if aquifers are too remote, too dirty, or too deep to supply affordable drinking water. Applicants must persuade the government that the water is not being used as drinking water and that it never will be.

Sometimes, however, the agency has issued permits for portions of reservoirs that are in use, assuming contaminants will stay within the finite area exempted.

In Wyoming, people are drawing on the same water source for drinking, irrigation, and livestock that, about a mile away, is being fouled with federal permission. In Texas, EPA officials are evaluating an exemption for a uranium mine—already approved by the state—even though numerous homes draw water from just outside the underground boundaries outlined in the mining company's application.

The EPA declined repeated requests for interviews for this story, but sent a written response saying exemptions have been issued responsibly, under a process that ensures contaminants remain confined.

"Aquifer Exemptions identify those waters that do not currently serve as a source of drinking water and will not serve as a source of drinking water in the future and, thus, do not need to be protected," an EPA spokesperson wrote in an email statement. "The process of exempting aquifers includes steps that minimize the possibility that future drinking water

supplies are endangered."

Yet EPA officials say the agency has quietly assembled an unofficial internal task force to reevaluate its aquifer exemption policies. The agency's spokesperson declined to give details on the group's work, but insiders say it is attempting to inventory exemptions and to determine whether aquifers should go unprotected in the future, with the value of water rising along with demand for exemptions closer to areas where people live.

Advances in geological sciences have deepened regulators' concerns about exemptions, challenging the notion that waste injected underground will stay inside the tightly drawn boundaries of the exempted areas.

"What they don't often consider is whether that waste will flow outside that zone of influence over time, and there is no doubt that it will," said Mike Wireman, a senior hydrologist with the EPA who has worked with the World Bank on global water supply issues. "Over decades, that water could discharge into a stream. It could seep into a well. If you are a rancher out there and you want to put a well in, it's difficult to find out if there is an exempted aquifer underneath your property."

Aquifer exemptions are a little-known aspect of the government's Underground Injection Control program, which is designed to protect water supplies from the underground disposal of waste.

The Safe Drinking Water Act explicitly prohibits injection into a source of drinking water, and requires precautions to ensure that oil and gas and disposal wells that run through them are carefully engineered not to leak.

Areas covered by exemptions are stripped of some of these protections, however. Waste can be discarded into them freely, and wells that run through them need not meet all standards used to prevent pollution. In many cases, no water monitoring or long-term study is required.

The recent surge in domestic drilling and rush for uranium has brought a spike in exemption applications, as well as political pressure not to block or delay them, EPA officials told *ProPublica*.

"The energy policy in the US is keeping this from happening because right now nobody—*nobody*—wants to interfere with the development of oil and gas or uranium," said a senior EPA employee who declined to be identified because of the sensitivity of the subject. "The political pressure is huge not to slow that down."

Many of the exemption permits, records show, have been issued in regions where water is

needed most and where intense political debates are underway to decide how to fairly allocate limited water resources.

In drought-stricken Texas, communities are looking to treat brackish aquifers beneath the surface because they have run out of better options and several cities, including San Antonio and El Paso, are considering whether to build new desalinization plants for as much as \$100 million apiece.

And yet environmental officials have granted more than 50 exemptions for waste disposal and uranium mining in Texas, records show. The most recent was issued in September.

The Texas Railroad Commission, the state agency that regulates oil and gas drilling, said it issued additional exemptions, covering large swaths of aquifers underlying the state, when it brought its rules into compliance with the federal Safe Drinking Water Act in 1982. This was in large part because officials viewed them as oil reservoirs and thought they were already contaminated. But it is unclear where, and how extensive, those exemptions are.

EPA "Region VI received a road map—yes, the kind they used to give free at gas stations—with the aquifers delineated, with no detail on depth," said Mario Salazar, a former EPA project engineer who worked with the underground injection program for 25 years and oversaw the approval of Texas' program, in an email.

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solo_poke 12/12/2012 09:29 AM

If these corrupt corporate criminals made one of my children terminally ill, not even god would be able to protect them from my wrath....:)

Cowards shoot movie theatre patrons, heros go after corrupt CEO's...

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 mamaotis and 3 more liked this



Noah L 12/19/2012 04:13 AM in reply to solo_poke

Corporations are legally bound to pursue profit. If the corporations did not have get out of jail free cards issued for them by the EPA, citizens could use the courts to get justice. The EPA is the problem. It does little to protect the envionment, but it does a ton to ensure that big corporations will face no legal issues or competition by start-ups that can't afford to pay the EPA bribes...er, fees.

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BuddySat 12/12/2012 10:49 AM

Petroleum Outweighs Everything...including Purity Of Essence.

Paging General Ripper...

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Patrick Moctezuma 12/12/2012 11:03 AM

It is already well understood that Water will be to the next era what oil has been in the past one: in short supply, the reason that wars are fought, the thing the Haves have and Have-Nots do not. Look at the Bush family land investments in South America...

To threaten water supplies FOR ANY REASON AT ALL is so stupid, so self-defeating, so wasteful financially and otherwise, so short-sighted, so suicidal as a country... that only abject corruption could possibly explain it.

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DD OD 12/12/2012 12:21 PM

yet a further example of extractive industries artificially deflating costs by failing to fully internalize costs....anyone want to have another conversation about 'grid parity?" I feel like the potential economic cost of this activity should be calculated and that cost added to the size of the subsidy afforded to the traditional energy sector

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Dennis Baker 12/12/2012 01:03 PM

A.G. Schneiderman Leads Multi-state Coalition In Action To Curb Climate Change Pollution From Oil And Gas Industry

<http://www.ag.ny.gov/press-rel...>

In my opinion We need to replace the fossil fuel power plants, the primary source of GHG. Now! At a scale required to accomplish this task :Ethanol starves people : not a viable option. Fracking releases methane : not a viable option. Cellulose Bio Fuel Uses Food Land : not a viable option Solar uses food land : Not a viable option Wind is Intermittent : Not a viable option All Human and Agricultural Organic Waste can be converted to hydrogen, through exposure intense radiation! <http://www.huffingtonpost.com/...> Radioactive Materials exist now, and the Organic waste is renewable daily. Ending the practice of dumping sewage into our water sources. Air, Water, Food and Energy issues, receive significant positive impacts. Reducing illness / health care costs as well ! Dennis Baker *
Creston Avenue Penticton BC V2A1P9

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Noah L 12/19/2012 04:14 AM in reply to Dennis Baker

They are making leaps and bounds in solar, too.

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kimn8r 12/12/2012 02:10 PM

Soon, very soon, fresh un-polluted water will be a commodity worth selling on the black market. Good bye crack, hello H2o.

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4 people liked this.



Brian Morsman 12/12/2012 06:56 PM

Future historians, drinking expensive bottled water by necessity, will write about this situation (fracking, ruining water supplies forever, etc) as one of the largest mistakes the industrialized world ever made.

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Kim Triolo Feil 12/13/2012 12:00 PM

In Arlington TX, there are two ground water polluted sites near me by the Cowboy Stadium and next to General Motors that there are Municipal Setting Designation (loopholes) that allows NO clean up of contaminated ground water if it is designated as polluted and other drinking water options are available like municipal water, and if there is a use for the land/urban area that will not ever relate to drilling for pottable ground water=free ride for polluters *What is a Municipal Setting Designation? <http://www.tgpc.state.tx.us/su...>

I live, breathe, nd blog in BarnettShaleHell.

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EnviroEquipment.com 12/13/2012 02:56 PM

We work with many companies that do groundwater remediation so I can stay most assuredly that in the past half-dozen years the advancements in hydrology have seen the shrinkage of what used to be considered a safe buffer zone against drinking water supplies being contaminated by dumping.

I find it almost unfathomable to believe the EPA would grant so many exemptions as they know full well about these technological developments in hydrology.

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2 people liked this.



Maryann Rose 12/13/2012 04:15 PM

Google 'Louisiana Sinkhole' for another shock at what our 'government' is allowing.

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DragonTat2 12/28/2012 06:14 PM

Seriously? They have a crystal ball?

ALL sources of drinking water must always be protected. Always.

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2 people liked this.

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