

## Board won't hear water concerns

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The chairwoman of the Wyoming Oil and Gas Conservation Commission opened Tuesday's meeting in Casper by expressing pleasure that she'd just received two bottles of water for her dollar, instead of one, from a vending machine.

People concerned about how oil and gas drilling has affected their drinking water, meanwhile, left the meeting furious that they weren't allowed to speak to the commission about the issue.

Residents of Pavillion, near Riverton, and of Clark, north of Cody, had driven into Casper to bring their energy industry-caused water pollution concerns before the commission. They were refused the opportunity to speak because they did not meet the legal definition of "an interested party," said Chairwoman Lynn Boomgaarden.

"This is infuriating," fumed Deb Thomas, an organizer for the Powder River Basin Resource Council and a Clark resident.

She and Clark neighbor Christina Denney had sat through a hearing about Windsor Energy Resources wanting two more drilling spaces in the Lime Creek drainage. Just over a year ago, on Aug. 11, 2006, a Windsor well blowout occurred, which Thomas and Denney allege has created a groundwater pollution problem of massive proportions.

What sense does it make, asked Thomas, to approve more drilling in an area where Windsor has caused a groundwater pollution plume, but the state can't define the scope of the problem or say how long it will take or cost to clean up?

Louis Meeks, a farmer near Pavillion, was equally disappointed.

"If someone's land is being affected, we should have the right to speak, shouldn't we?" he asked.

Meeks and some of his neighbors started noticing a strong hydrocarbon taste and smell in their well water after EnCana started drilling in the area. He got 99 of his Pavillion neighbors to sign a petition, asking EnCana "to put a hold on all production" and "take care of these problems before further operations proceed." A copy of the petition was sent to the Oil and Gas Conservation Commission.

Boomgaarden explained that within the confines of matters before the commission, and what it can and cannot do, the citizens who come before the commission have no legal basis to protest any matter before the body.

"We actually get that a lot," said Boomgaarden, referring to issues not relevant to the powers and responsibilities of the commission.

According to state law, the commission regulates drilling, production, plugging and

reclamation of oil and gas wells "for conservation purposes."

Meeks said a consultant hired by EnCana found natural gas in his well water. "We can't bring that water into our house. What if it blew up?" Meeks asked.

Randy Teeuwen, a spokesman for EnCana, said in a phone interview that the company disputes that statement. He said the test sample won't be back from a specialized lab for two weeks.

Teeuwen also said he found that of the nine petition signers he has talked to, none had a legitimate concern.

Efforts to reach officials at Windsor headquarters in Oklahoma City were unsuccessful Tuesday afternoon.

Thomas and Meeks agreed that they've found little if any satisfaction from state offices or the state's congressional delegation. Every state agency, it seems, points to another office when Thomas and Meeks bring their water pollution concerns.

Things are so confused at the state level, Thomas said, that the Department of Environmental Quality needs the permission of the Oil and Gas Conservation Commission to inspect Windsor's drilling pads.

"My opinion? I think the oil and gas industry brings in too much revenue for the state -- no one wants it to stop," Meeks said.

Thomas denied that anyone wants oil and gas development to stop, but she said it would make sense to slow it down until the state can figure out what damage has been done to the state's water and surface land owners.

"We just want them to do things right," Meeks said.

Thomas said Windsor had been fined about \$2,800 for the blowout last year, and has \$300,000 in a bond toward 15 monitoring wells -- before any cleanup has been started. Thomas predicted it would take millions of dollars to clean up the problems left by Windsor and prior operators, "and the taxpayer will ultimately get stuck with the bill."

She noted that when a similar blowout occurred near Silt, Colo., the Colorado oil and gas commission imposed a two-year moratorium on further development nearby. Thomas said Gov. Dave Freudenthal needs to declare a moratorium to allow state agencies to get control of what she described as runaway energy development that's running roughshod over Wyoming's citizens.

Cara Eastwood, press secretary to Freudenthal, said the governor's office has been responsive, assigning staff members to follow up on complaints.

"Of course people have a right to speak," said Eastwood, referring to the Oil and Gas Conservation Commission meeting.

According to Thomas, she was told by commission hearing officer Rick Marvel that she would

be able to talk to the commission about Windsor's request for two new wells. But when she entered the commission hearing, she was told by Director Don Likwartz that she wouldn't be able to comment, based on Boomgaarden's ruling of what does and doesn't constitute "an interested party."

"There's a lack of communication here," Thomas said.

Eastwood noted that according to the Wyoming Constitution, mineral rights are superior to surface rights. Turning that upside-down would create considerable problems, she said.

Thomas said that when Freudenthal last visited Clark about water pollution concerns, that's essentially what he said, too.

"He also said that if we were unhappy, we could go sue someone," Thomas said. "We don't have that kind of money."

What avenues are open to Wyoming citizens who don't own mineral rights and believe they're being harmed by a booming energy industry?

Other than speaking to appropriate agencies, "They need to talk to their legislators," Boomgaarden said. "I understand that they want their voices heard."