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State DEP says it follows industry standards in testing for water contamination

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The Pennsylvania Department of Environmental Protection follows industry standards in testing for water contamination, but it could help landowners by sharing more test results, water experts said on Friday.

The agency is under fire from state Rep. Jesse White, D-Cecil, and a Washington County law firm that is suing the DEP, both claiming the agency withheld data about contamination near Washington County gas wells.

The U.S. Attorney's Office for Western Pennsylvania is reviewing their request to investigate the state agency, its spokeswoman said on Friday.

White and the law firm Smith Butz complain the DEP made judgments and sent reports to landowners refuting claims of well water contamination based on just a few of the chemicals for which it tested.

That's common, several water experts said. Lab testing can be extensive and expensive, and anyone who requests a lab test for a specific type of contamination likely will focus on key, telltale chemicals and disregard the rest.

"They could have 100 different (contaminants) from an analysis, but they're going to report what's related to what they're trying to investigate," said David Yoxtheimer, a hydrogeologist at Penn State's Marcellus Center for Outreach and Research. "That's pretty much standard industry practice."

The state recommends testing for about 20 chemical signs before drilling starts near well water supplies. It tests for the same chemicals when people make allegations of drilling contamination.

That's comparable to Ohio's and Michigan's policies that are posted online, noted Jerry Parr, executive director of the National Environmental Laboratory Accreditation Program.

If tests don't show those chemicals — including barium, strontium and calcium — then it's unlikely drilling is at fault, no matter what other chemicals show up, said Radisav D. Vidic, a University of Pittsburgh civil and environmental engineer.

DEP testing includes looking for multiple other chemicals, including the metals chromium, cobalt, nickel and lithium, but the agency excludes many of those from its analysis, according to Smith Butz, which deposed DEP officials for its lawsuits.

White claimed that is evidence of unlawful conduct, a rigged testing system that he asked the U.S. Attorney, the state attorney general, the Environmental Protection Agency and Parr's program to investigate.

The state Attorney General's Office and officials at the accreditation program have not seen the allegations, officials there said on Friday. Officials at the EPA did not respond to a request for comment.

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“Why should the DEP care if (contamination) came from drilling or not?” White asked. “If they did the test, and they know you have elevated levels of chemicals, what possible reasons would they have for not telling you this? They know, and that’s the crux of all this.”

If the DEP finds elevated levels of contaminants — even some not from drilling — in private wells, it would be a common-sense and helpful move to call for further testing and alert those water users, Yoxtheimer and Vidic said.

The downside is that it could be confusing, shining a critical light on something that may not actually cause public harm, Parr said.

“I agree that maybe it’s not the right thing to do, but that’s the way it’s been,” he said.

The DEP does not have power to regulate private drinking water supplies and recommends well owners test their water annually, no matter how close or far they are from drilling, spokesman Kevin Sunday said. There are a lot of potential contaminants, Sunday said when asked why the agency should not alert well users when agency tests indicate other possible signs of contamination.

“Is the expectation then that we should also screen for E. coli and fertilizer runoff from a farmer’s fields?” Sunday asked. “Our reporting gives us an indication of whether drilling has impacted a water supply. That is our duty under the Oil and Gas Act — to make determinations as to whether oil and gas activities impacted a water supply and that is exactly what we do. We stand behind our determinations.”

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