March 27, 2017

George Hawkins, General Manager
District of Columbia Water and Sewer Authority
5000 Overlook Avenue, S.W.
Washington, D.C. 20032

Dear Mr. Hawkins:

As consumers of drinking water from the District of Columbia Water and Sewer Authority (DC Water) and other regional water providers, we write to seek your support in protecting our drinking water from horizontal drilling and hydraulic fracturing for natural gas in Maryland headwaters of the Potomac River. Unless the Maryland General Assembly changes current law during this legislative session, oil and gas operators will be able to seek permission to drill in this area as soon as this October.[1] Maryland's Governor recently endorsed banning hydraulic fracturing.[2]

We have already shared our concerns with the Washington Suburban Sanitary Commission, Maryland's largest water provider. They agreed to reinforce with Maryland legislators WSSC's support for prohibiting fracking in the Potomac River headwaters. We are writing to you and other regional water providers to urge you to work together to protect our shared drinking water supply from drilling and fracking.

DC Water has a direct interest in whether Maryland allows hydraulic fracturing as the purchaser of Potomac River water serving approximately 600,000 residents, 17.8 million annual visitors, and 700,000 people employed in our nation's capital. The Maryland headwaters of the Potomac River are located precisely within the region targeted for drilling and fracking: a portion of the Marcellus shale located in the western part of the state. Hydraulic fracturing typically involves the underground injection at high pressure of a mix of water, sand, and chemicals to fracture rock formations and release trapped oil or natural gas. This extraction technology poses distinct threats to drinking water sources that could lead to service disruptions, increased treatment costs and public health risks.

DC Water and other local water providers and local governments have previously opposed hydraulic fracturing in the Potomac's watershed. In September 2013, DC Water wrote to the U.S. Department of Agriculture in support of prohibiting hydraulic fracturing in the George Washington National Forest (GWNF), that encompasses the Potomac's headwaters in Virginia and West Virginia.[3] DC Water, Fairfax Water and the Washington Suburban Sanitary Commission issued similar statements or resolutions[4] as did several other local authorities or officials including the Fairfax County Environmental Quality Advisory Council,[5] Alexandria's mayor,[6] the Arlington County Board,[7] DC City Council,[8] Falls Church City Council,[9] the Montgomery and Prince George's County Councils[10] and then-former Virginia lieutenant governor and now-U.S. Rep. Don Beyer.[11] More recently, the Montgomery and Prince George's

County Councils[12] have joined other Maryland public officials calling for bans or moratoria on horizontal drilling and hydraulic fracturing within the state.[13]

The Potomac's Maryland headwaters enjoy a rural, bucolic, heritage and setting ill-suited for the heavy industrial activity that would be involved in horizontal drilling and fracking. As with the GWNF, rapid industrialization here could jeopardize the quality of DC Water's source water through sediment runoff, leaks and spills of toxic substances, discharges of wastewater that can contain radioactive contaminants and improper disposal of fracking chemicals or other wastes. Drilling companies, themselves, often disclose some of these risks to investors.[14] The watershed would be further jeopardized because drilling and hydraulic fracturing are exempt from significant parts of seven major federal environmental laws, including the Safe Drinking Water Act, Clean Water Act, and hazardous waste disposal standards.[15]

In its assessment of hydraulic fracturing's potential impacts on drinking water, finalized in December the U.S. Environmental Protection Agency (EPA) found many dozens of potential vulnerabilities and uncertainties surrounding fracking activities and drinking water resources. The EPA concluded that hydraulic fracturing has polluted drinking water resources and can have particularly adverse localized impacts.[16] The agency also emphasized that many questions about drinking water impacts remain unanswered for several reasons, including drilling companies' use of chemicals that are hidden from the public by trade secret protections and chemicals with unknown health effects.[17]

The EPA found that when well operators disclosed the chemicals used in hydraulic fracturing to FracFocus, the nation's largest repository of fracturing chemical data, they claimed as confidential at least one chemical for more than 70 percent of wells.[18] The EPA also found that of 1,606 chemicals identified in hydraulic fracturing fluid or drilling wastewater, only 173 had toxicity values from sources that met EPA's standards for conducting risk assessments. "This missing information represents a significant data gap that makes it difficult to fully understand the severity of potential impacts on drinking water resources," EPA wrote.[19]

The risks of unknown chemicals to downstream water users are not just hypothetical. The 2014 West Virginia chemical spill from a storage tank that contaminated the Elk River involved a chemical called Crude MCHM, the health effects of which were largely unknown.[20] The spill traveled at least 200 miles downstream leading Cincinnati to shut down its intakes on the Ohio River.[21] As you are aware, just last November, an oil sheen traveling down the Potomac River jeopardized the Potomac water supply. As local radio station WTOP reported, local water treatment plants are not designed to remove oil slicks and must shut off intake valves if there is a risk of infiltration.[22] Drilling activities in the Potomac watershed would present increased risk for additional hydrocarbon spills.

DC Water has the responsibility to provide safe and reliable drinking water to its customers. As such, efforts to promote upstream watershed protection are as important as downstream water treatment. Since 2015, Maryland has had a moratorium on horizontal drilling and hydraulic fracturing in the state's portion of the Marcellus shale that includes the Potomac headwaters. In light of the risks and uncertainties that continue to be associated with this type of natural gas extraction, we ask you to urge Maryland legislators and the governor to prevent this practice.

We appreciate your consideration of this very important matter and are contacting the Washington Aqueduct, and Fairfax Water about this issue. Please let us know if we can provide additional information. We look forward to your response.

Sincerely,

Dusty Horwitt
Partnership for Policy Integrity

Aaron Mintzes
Earthworks

Betsy Nicholas
Waterkeepers Chesapeake

Brent Walls
Upper Potomac Riverkeeper

Dean Naujoks
Potomac Riverkeeper

Ann Bristow
Savage River Watershed Association

Josh Tulkin
Maryland Sierra Club

Mark Rodeffer
DC Sierra Club

Kate Addleson
Virginia Chapter Sierra Club

Gail Fendley
Michelle's Earth Foundation

Donny Williams
We Are Cove Point

Brent Bolin
Clean Water Action

Tim Whitehouse
Chesapeake Physicians for Social Responsibility

Kelly Canavan

[1] Maryland's Department of the Environment has proposed regulations governing oil and gas development in accordance with the Maryland General Assembly's legislative mandate.
[2] See "Hogan announces support for fracking ban in Maryland", Baltimore Sun March 17, 2017 by Pamela Wood and Michael Dresser
[3] See letter from DC Water General Manager George Hawkins to U.S. Secretary of Agriculture Tom Vilsack (Sept. 10, 2013). Letter from Washington Aqueduct General Manager Thomas P. Jacobus to Kenneth Landgraf Acting Forest Supervisor, George Washington & Jefferson National Forests (Oct. 17, 2011).
[4] Letter from Washington Aqueduct General Manager Thomas P. Jacobus to Kenneth Landgraf Acting Forest Supervisor, George Washington & Jefferson National Forests (Oct. 17, 2011). Letter from Fairfax Water General Manager Charles Murray to Kenneth Landgraf, Acting Forest Supervisor, George Washington & Jefferson National Forests (Oct. 11, 2011). Washington Suburban Sanitary Commission Resolution No. 2015-2070 (Oct. 15, 2014).
[5] Memorandum from Fairfax County Environmental Advisory Council to Fairfax County Board of Supervisors (July 14, 2014).
[6] See Letter from Alexandria Mayor William D. Euille to U.S. Department of Agriculture Secretary Thomas Vilsack (Aug. 1, 2014).
[7] See Arlington County Board Resolution (June 17, 2014).
[8] Washington, DC City Council Resolution 20-429 (Mar. 4, 2014).
[9] See Falls Church City Council Resolution No. 2014-20 (July 14, 2014).
[10] See Montgomery County Council Resolution No. 17-1018 (Mar. 4, 2014). Prince George's County Council Resolution No. CR-22-2014 (April 29, 2014).
[11] See Letter from Don Beyer to U.S. Department of Agriculture Secretary Thomas Vilsack (Mar. 4, 2014).
[12] See "Prince George's County Bans Fracking" by Alex Kist, NBC News 4, April 12, 2016 last visited January 10, 2017
[13] The most recent list of Maryland elected officials supporting a ban on hydraulic fracturing as of January 9, 2017.
[14] See, e.g., Noble Energy, Inc. Form 10-K filed with the U.S. Securities and Exchange Commission (Feb. 17, 2016).
[15] See Earthworks, Loopholes for Polluters: The oil and gas industry's exemptions from major environmental laws.
[16] See U.S. EPA. Hydraulic Fracturing for Oil and Gas: Impacts from the Hydraulic Fracturing Water Cycle on Drinking Water Resources in the United States (Final Report). U.S. Environmental Protection Agency, Washington, DC, EPA/600/R-16/236F, 2016, at ES-3 through 4.
[17] Id. at ES-45.
[18] Id. at ES-45.
[19] Id. at ES-45 through 46.
[20] See What is 'Crude MCHM'? Few Know by Ken Ward, Charleston Gazette-Mail, January 10, 2014, last visited January 12, 2017.
[21] See Greater Cincinnati Water Works, "West Virginia Chemical Spill" January 14, 2014, last visited January 10, 2017.
[22] See WTOP, Feds Missed Drinking Water 'Risk' With Potomac Sheen, Utilities Say (Feb. 8, 2017) last visited February 21, 2017.