

State of Wyoming Proposes Groundwater Sampling Near Oil and Gas Wells

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On August 16, 2013, the Wyoming Oil and Gas Conservation Commission (“Commission”) released a proposed rule that would require oil and gas well operators to sample permitted water sources both before and after drilling an oil or gas well. Operators would be required to sample up to four water sources within a half mile radius of a proposed oil or gas production well and dedicated injection well. Sampling would not be required if no water sources are located within a half mile radius of the proposed well, the water source is improperly maintained, non-operational, the operator is otherwise unable to obtain a representative sample, or the owner of the water source refuses to allow access for sampling despite the operator’s reasonable efforts to obtain consent.

Under the proposal, well operators would be required to notify the State and the water source owner within 24 hours if test results reveal the presence of thermogenic and biogenic gas, increases in methane concentrations between sampling events, methane concentrations at or above 5 mg/L, or petroleum compounds above State action levels. The rule would not impose a presumption of or against the well operator’s liability for any groundwater contamination based on sampling results.

The Commission is accepting public comments on the proposed rule until October 7, and will hold a public meeting on the rule on October 15.

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