

**Baseline Water Testing
Policy Components
Updated May 1, 2020**

This policy will be proposed to the Montana Board of Oil & Gas Conservation (MBOGC), which has oversight over oil and gas development in the state of Montana and the authority to both create and implement statewide rules guiding development.

This proposal seeks to institute a requirement that water testing be conducted by an independent, third-party qualified consultant or contractor prior to oil and gas development as well as at several intervals after a well is drilled.

Other components of the policy include:

Types of development

- This policy shall require baseline water testing and subsequent testing around new oil and gas wells, as well as new and converted injection wells.

Who conducts the testing?

- Water testing in all instances provided by this policy must be conducted by an independent, certified water sampler who would be required to follow chain of custody.

Funding the testing

- Water testing in all instances provided by this policy must be paid for by the company that is drilling the oil, gas, or injection well.

Timing of testing

- Baseline testing shall occur between 12 months and 30 days before drilling begins.
- Follow-up testing shall occur at 1 year after the original water testing event and again at 5 years after the original water testing event, such that testing happens during the same seasonality each time.
- Landowners shall be permitted to request testing at points other than and in addition to the intervals listed above if a landowner suspects contamination.

Types of water sources to test

- This policy would focus only on groundwater sources for which there is an existing and accessible water well. Surface water testing would require a different policy and different testing parameters.

Radius of testing

- Testing shall occur for all existing water wells within and up to a radius of 1 mile.
- If a well includes lateral arms or horizontal drilling that extend beyond 1 mile, testing shall also occur within a radius encircling the lateral arms out to 300 feet. This additional radius would only apply in the case of laterals that go beyond the 1 mile radius.

Number of wells to be tested

- All existing water wells within the testing radius shall be sampled.
- If this is not possible and wells must be prioritized, we would recommend sampling one water well within each usable aquifer.

What to test for

- See Appendix K (attached) for the minimum required constituent list for the purposes of baseline sampling. Appendix K is the sampling and analysis procedures developed by the Wyoming Oil and Gas Conservation Commission as part of their baseline water testing rule, which was passed in 2014.
- All groundwater samples shall be collected and analyzed according to the summary of analytical methods, holding times, sample containers, preservatives, and reporting limits included on Table 1.
- In addition to establishing baseline quality, sampling must establish and subsequently measure water quantity. This is standard practice.

Data

- Sampling data shall be submitted to the Bureau of Mines for inclusion in their Groundwater Information Center.
- Landowners must retain an option to still have their water sampled but have their name, property name, or identifying information associated with the data excluded from the Groundwater Information Center.
- Landowners shall also retain an option to “opt out” from having their water tested altogether, if they so choose. However, testing would be automatic unless landowners activated the “opt out” option. This option was included as has been requested and recommended by a number of stakeholders.

This proposal is prepared by the members of the Northern Plains Resource Council. For questions or to offer feedback, contact Caitlin at Northern Plains at (406) 248-1154 or caitlin@northernplains.org.