

11 February 2013

Inspector General Arthur A. Elkins, Jr.  
USEPA Headquarters  
Ariel Rios Building  
1200 Pennsylvania Avenue, N. W.  
Mail Code: 2410T  
Washington, DC 20460

Dear Inspector General Elkins, Jr.:

We, the undersigned organizations and public stakeholders, call on you to investigate the Environmental Protection Agency for its withdrawal of legal action against Range Resources in a case of apparent water contamination from hydraulic fracturing and/or drilling near Fort Worth, Texas. We understand that you are currently conducting an investigation of this incident at the request of six U.S. Senators. We want to ensure that your investigation encompasses issues that have recently come to light that raise questions about EPA's commitment to protecting the public from oil and natural gas drilling pollution.

As a Jan. 16, 2013 Associated Press report details,<sup>1</sup> the EPA had scientific evidence that Range Resources had polluted local residents' well water while drilling for natural gas in 2010. The EPA's evidence led the agency to issue a rare emergency order in late 2010 declaring that the families were in immediate danger. EPA identified contaminants in the families' water, including benzene, and found that "extremely high levels of methane in [the] water pose an imminent and substantial risk of explosion or fire."<sup>2</sup> The EPA filed suit against Range Resources on Jan. 18, 2011 and commissioned an analysis by independent scientist Geoffrey Thyne, which showed that the contamination could have originated in Range Resources' drilling operation.

Despite the compelling evidence suggesting that Range Resources contaminated the water, the EPA rescinded the emergency order and ceased all legal action on March 29, 2012, soon after Range Resources protested. Documents obtained under a Freedom of Information Act request by Washington, DC-based *EnergyWire*<sup>3</sup> show that the EPA was pressured to drop the case by Ed Rendell, former Pennsylvania governor and former head of the Democratic National Committee. The EPA issued only a short, two-sentence explanation for its sudden reversal:

“Resolving the lawsuits with Range allows EPA to shift the Agency's focus in this particular case away from litigation and toward a joint effort on the science and safety of energy extraction. EPA and Range will share scientific data and conduct further well monitoring in the area, and Range will also provide useful

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<sup>1</sup> Associated Press. "AP Exclusive: EPA reversed course on tainted Texas water wells after gas company protested." Jan. 16, 2013. <[http://www.washingtonpost.com/business/ap-exclusive-epa-reversed-course-on-tainted-texas-water-wells-after-gas-company-proteted/2013/01/16/197a363c-5fb6-11e2-9dc9-bca76dd777b8\\_story.html](http://www.washingtonpost.com/business/ap-exclusive-epa-reversed-course-on-tainted-texas-water-wells-after-gas-company-proteted/2013/01/16/197a363c-5fb6-11e2-9dc9-bca76dd777b8_story.html)>

<sup>2</sup> Press Release, U.S. Environmental Protection Agency, EPA Issues an Imminent and Substantial Endangerment Order to Protect Drinking Water in Southern Parker County (Dec. 7, 2010), <<http://yosemite.epa.gov/opa/admpress.nsf/2010+press+releases/713f73b4bdceb126852577f3002cb6fb?opendocument>>

<sup>3</sup> EnergyWire. "Former Pa. Gov. Rendell pressed EPA in Range pollution case, emails show" Feb. 5, 2013. <http://www.eenews.net/energywire/2013/02/05/1> (subscription required)

information and access to EPA in support of EPA's scientific inquiry into the potential impacts of energy extraction on drinking water.”<sup>4</sup>

The EPA made no mention of Thyne’s independent analysis even as the agency came under attack by the drilling industry for its apparent “rush to judgment.”

Far from allaying concerns, the EPA’s explanation for its reversal makes it appear that the agency is abdicating its legal obligation to protect the health and environment of all Americans. The EPA has refused to offer any explanation beyond those two sentences, further leaving us to question what the EPA is hiding and whether the agency is fulfilling its commitment.

Another scientist, Robert B. Jackson of Duke University, recently studied Thyne's report and raw data and concluded that the gas in the homeowners’ water could have come from the formation in which Range was drilling. As the Associated Press reported, Jackson believes the EPA's withdrawal of its emergency order was "premature" and that the EPA "dropped the ball in dropping their investigation."

We call on you to investigate this matter in a thorough and comprehensive manner to determine the propriety or impropriety of the EPA's actions. Among the questions that must be addressed:

- Did the EPA have a scientific basis for withdrawing its emergency order and rescinding its legal action against Range Resources?
- Did the EPA improperly yield to pressure from the gas industry or other sources, including former Pennsylvania Governor Ed Rendell, in withdrawing its legal action against Range Resources?
- Why did the EPA make no mention of Geoffrey Thyne’s independent scientific analysis in the face of drilling industry criticism of EPA’s scientific integrity?
- Was the public denied access to information that could be useful for preventing negative impacts associated with hydraulic fracturing and natural gas drilling?
- Did the EPA hide evidence of pollution and contamination from hydraulic fracturing and drilling operations that is important to scientific inquiry and public debate?

Thank you for your swift attention to this important matter. Please let us know if you have any questions or if we can provide any additional information. Feel free to contact Dusty Horwitt at Environmental Working Group at 202-939-9133 or Alan Septoff at Earthworks at 202-887-1872 x105.

Sincerely,

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<sup>4</sup> Barry Shlachter, EPA Drops Action Against Range Resources over Parker County Water Wells, Fort Worth Star-Telegram, Mar. 31, 2012. E-mail from Jennah Durant, U.S. Environmental Protection Agency Region 6 Press Office, to Environmental Working Group (Dec. 4, 2012, 17:29:22 EST)

## **NATIONAL ORGANIZATIONS**

Center for Biological Diversity  
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## **CALIFORNIA**

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Pennsylvania Alliance for Clean Water and Air  
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Protecting Our Waters  
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Rush for Clean Water  
Mary Ann Williams

Residents for a Great South Fayette  
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Sustainable Monroeville  
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Westmoreland Marcellus Citizens Group  
Janice Milburn

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Guardians of the West Fork River  
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Morgan County Frackban  
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