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EPA official is grilled in Range Resources water well case

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Range Resources, which is challenging an Environmental Protection Agency claim that the company's Barnett Shale natural gas wells contaminated two residential Parker County water wells, is using the EPA's own statements to buttress its defense.

Range said in recent filings with the Texas Railroad Commission that sworn statements by EPA official John Blevins, director of the enforcement division for the agency's Dallas regional office, show that it conducted a flawed investigation and isn't sure that the Fort Worth-based natural gas producer is at fault.

On Dec. 7, the EPA issued an endangerment order against Range, contending that two natural gas wells it drilled in 2009 "caused or contributed" to methane contamination of water wells in southern Parker County owned by residents Steven Lipsky and Rick Hayley in the upscale Silverado subdivision. Methane is the primary component of natural gas.

According to a transcript of a sworn deposition taken Jan. 25 by a Range attorney, Blevins backtracked from that claim. Range was represented by John Riley, an Austin attorney for the Vinson & Elkins law firm.

In the deposition, Blevins said Range "may have caused or contributed" to the well contamination.

He used the word may at least twice in that context, acknowledging that the EPA can't say for certain the two Range wells caused the contamination.

Blevins also acknowledged that the EPA doesn't have the answer to a question Range has repeatedly asked: What specific path does the agency claim that the methane gas took in migrating from two Range wells drilled several thousand feet deep into the Barnett Shale to the water wells that were only about 200 feet deep?

In his deposition, Blevins said, "We have not made a determination of the exact pathway." He said the Dec. 7 order gives Range "the opportunity to present additional data" and "conduct a study to determine if the exact pathway and cause could be defined."

Riley asked why the EPA didn't do its own investigation to determine the probable pathway.

"That was not what we needed to issue the order on," Blevins said.

"But ... you may never understand the pathway unless EPA actually goes out and does some investigation, right?" Riley countered.

Blevins said the EPA "doesn't believe that we need to do the work." He said the agency believes it has the legal authority "to ask a company who we believe may have caused or contributed [to water contamination] to do the work, to collect the data, and that's what we've done."

Range said its own investigation by staff and consultants shows the methane in the water wells probably came from the shallow Strawn geological formation, only several hundred feet deep. Gas wells were drilled into that formation in the early 1980s.

Blevins acknowledged that the EPA did not undertake a substantial investigation of the geology of the southern Parker County area before issuing its Dec. 7 order.

But Blevins said its analysis of testing data led the EPA to believe that "the gas streams" from the Range wells and the water wells "are sufficiently similar" for the agency to issue the order against Range.

Range and longtime water well drillers have said that gas has been in water wells in southern Parker County long before Barnett Shale drilling began.

Blevins said the EPA does not believe the appearance of gas in area water wells in earlier years is "germane or relevant to the issue at hand."

Consultants for Range said its testing showed that gas in Lipsky's well contained substantial nitrogen, as does gas from the Strawn formation. Barnett Shale gas, however, is generally low in nitrogen, the consultants said.

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