

**Clean Water Action Texas * Earthworks * Environment Texas * Environmental Working Group *
GASLAND * Public Citizen Texas * Texas Drought Project**

7 February 2013

Ron Curry, Administrator
US EPA Region 6
Fountain Place
1445 Ross Ave.
Dallas, TX 75202-2750

Dear Administrator Curry:

We, the undersigned organizations and public stakeholders, call on you to resume legal action against Range Resources in a case of apparent water contamination caused by hydraulic fracturing near Fort Worth, Texas. Furthermore, we call on EPA to use its authority to:

- require Range Resources to immediately supply clean drinking water to those homeowners whose existing drinking water EPA has reason to believe Range Resources contaminated;
- publicly post online all existing tests related to this matter; and
- resume testing to ensure that Range Resources acts to remedy the situation.

As a Jan. 16, 2013 Associated Press report detailed (1), the EPA had scientific evidence that Range Resources 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." (2) 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Despite compelling evidence suggesting that Range Resources contaminated the water, the EPA rescinded the emergency order and ceased all legal action on March 29, 2012, soon after Range Resources protested. 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 information and access to EPA in support of EPA's scientific inquiry into the potential impacts of energy extraction on drinking water." (3)

The EPA made no mention of Thyne's independent analysis even as the agency came under attack by the drilling industry for its apparent lack of scientific integrity.

Another scientist, Rob 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 same 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."

A Feb. 5, 2013 report on the Washington, DC-based *EnergyWire*⁴ by Mike Soraghan suggests that EPA may have dropped its investigation due to pressure from Ed Rendell, former Pennsylvania governor and former head of the Democratic National Committee. The article also reports that high-ranking officials at EPA believed that the requests we make in this letter should be carried out.

The EPA states on its website (Our Mission and What We Do)⁵ that its first purpose is to:

"[E]nsure that all Americans are protected from significant risks to human health and the environment where they live, learn and work."

Implicit in this statement is an acknowledgement that EPA is sometimes the environmental regulator of last resort when state or local officials cannot or will not act. In this case, EPA took action to protect the public because the Railroad Commission of Texas would not. We call on you to live up to your stated mission by ensuring that affected residents have clean drinking water, and that those who polluted it are held to account.

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 Sharon Wilson at 940-389-1622.

Sincerely,

David Foster,
Clean Water Action Texas

Josh Fox,
GASLAND

Bruce Baizel,
Earthworks

Tom "Smitty" Smith,
Public Citizen Texas

Luke Metzger,
Environment Texas

Alyssa Burgin,
Texas Drought Project

Dusty Horwitt,
Environmental Working Group

References:

1. 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-protested/2013/01/16/197a363c-5fb6-11e2-9dc9-bca76dd777b8_story.html>

2. 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/advpress.nsf/2010+press+releases/713f73b4bdceb126852577f3002cb6fb?opendocument>>
3. 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)
4. 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)
5. Our Mission and What We Do | About EPA | US EPA, <http://www.epa.gov/aboutepa/whatwedo.html>, accessed Feb. 5, 2013.
6. ibid

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