

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 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,¹ 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."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Despite the compelling evidence suggesting that Range Resources contaminated the water, the EPA rescinded the emergency order and ceased all legal action on March 29, 2012, soon after Range Resources protested.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*³ 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

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-proteted/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/admpress.nsf/2010+press+releases/713f73b4bdceb126852577f3002cb6fb?opendocument>>

³ 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.”⁴

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,

⁴ 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

1. Center for Biological Diversity
Kassie Siegel
2. Earthworks
Alan Septoff
3. Environmental Working Group
Dusty Horwitt
4. Food and Water Watch
Wenonah Hauter
5. Greenpeace
Carolyn Auwaerter
6. Josh Fox, Director, GASLAND
7. Nature Abounds
Melinda Hughes
8. Protecting Our Waters
Iris Marie Bloom
9. Public Citizen

CALIFORNIA

10. California Coastal Protection Network
Susan Jordan
11. Californians for Western Wilderness
Mike J. Painter
12. Citizens Coalition for a Safe Community
Paul V. Ferrazzi
13. Greenhorns
Severine von Tscharner

COLORADO

14. EcoFlight
Bruce Gordon
15. San Juan Citizens Alliance
Dan Randolph

MARYLAND

16. Citizen Shale
Eric Robinson
17. Talbot River Protection Association
Christine Sweeney

NEW JERSEY

18. Communication Workers of America Local 1081
David Weiner
19. Genesis Farm
Miriam MacGillis
20. GreenFaith
Paul Kaufman
21. Pascack Sustainability Group
Rosemary Dreger Carey

NEW MEXICO

22. New Mexico Environmental Law Center
Douglas Meiklejohn

NEW YORK

23. Andes Works!
Bill Feldman
24. Catskill Citizens for Safe Energy
Jill Wiener
25. Catskill Mountainkeeper
Wes Gillingham
26. Chenango Community Action for Renewable Energy
Erin Heaton
27. Citizens Energy and Economics Council of Delaware County (CEEC)
Joan Tubridy
28. Citizens For Water
Joe Levine
29. Church Women United of New York State
Mary Smith

30. ClimateMama
Harriet Shugarman
31. Damascus Citizens for Sustainability
Barbara Arrindell
32. Fleased
Ellen Z. Harrison
33. Frack Action
John Armstrong
34. Frack Free Genesee
Cindy Carestio
35. Gas Free Seneca
Yvonne Taylor
36. Grassroots Environmental Education
Patti Wood
37. Middlefield Neighbors
Kelly Branigan
38. New Yorkers Against Fracking
39. New York Residents Against Drilling (NYRAD)
Benjamin Perkus
40. NYH2O
Buck Moorhead
41. Otsego Neighbors
Julie Huntsman
42. People Advocating Use of Sustainable Energy (PAUSE)
Marie Terlizzi
43. Plymouth Friends of Clean Water
Peter Hudiburg
44. Responsible Associated Landowners of New York State
William Feldman

45. Riverkeeper
Paul Galley
46. R-CAUSE (Rochesterians Concerned About Unsafe Shale-gas Extraction)
Anna Sears, Nedra Harvey
47. Rochester Defense Against Fracking (RDAF)
Toby Stover
48. Sanford/Oquaga Ara Concerned Citizens (S-OACC)
Gail Musante
49. The Friends of Sustainable Sidney
Albert Crudo
50. The Center for Sustainable Rural Communities
Robert Nied
51. The Session of First Presbyterian Church, Cooperstown
Elsie Rhodes
52. Vestal Residents for Safe Energy
Sue Rapp
53. Westchester for Change
Susan Van Dolsen
54. Western New York Drilling Defense
Rita Yelda

NORTH CAROLINA

55. Clean Water for NC
Hope Taylor

OHIO

56. Athens County Fracking Action Network
Heather Cantino
57. Buckeye Forest Council
Nathan Johnson
58. Concerned Citizens Ohio
Gwen B. Fischer
59. Fresh Water Accountability Project
Gregory Pace

60. People's Oil & Gas Collaborative – Ohio
Kari Matsko
61. Ohio Citizen Action
Paul Ryder
62. Southeast Ohio Fracking Interest Group (SEOFIG)
Betsy Cook

PENNSYLVANIA

63. Advocacy for Justice and Peace Committee of the Sisters of St Francis of Philadelphia
Sr. Miriam Eileen Murray, OSF
64. Berks Gas Truth
Karen Feridun
65. Delaware Riverkeeper Network
Maya van Rossum
66. Lehigh Valley Gas Truth
Julie Ann Edgar
67. Marcellus Outreach Butler
Michael Bagdes-Canning
68. Marcellus Protest
Terri Supowitz
69. Mountain Watershed Association
Beverly Braverman
70. Pennsylvania Interfaith Power & Light
Cricket Eccleston Hunter
71. Peach Bottom Concerned Citizens Group
Maria Payan
72. Pennsylvania Alliance for Clean Water and Air
Jenny Lisak
73. Residents Against the Power Plant (RAPP)
Cathy Lodge

74. Rush for Clean Water
Mary Ann Williams
75. Residents for a Great South Fayette
Deron Gabriel, Esq.
76. Sustainable Monroeville
Elisa Beck
77. Tour de Frack
Jason Bell
78. Upper Burrell Citizens Against Marcellus Pollution
Debbie Borowiec

TEXAS

79. Denton OFF Fossil Fuels
Rebekah Hinojosa
80. Fort Worth Citizens Against Neighborhood Drilling Ordinance
Don Young
81. West Texas Accountability Project, Lubbock Chapter
Karen Gibson

WEST VIRGINIA

82. Doddridge County Watershed Association
Christina Woods
83. Guardians of the West Fork River
S. Thomas Bond
84. Morgan County Frackban
John C. Webster
85. West Virginia Citizen Action Group
Julie Archer

WYOMING

86. Upper Green River Alliance
Linda Baker