

# **EARTHWORKS PRESS RELEASES (2004-2010)**

(from website, [www.earthworksaction.org](http://www.earthworksaction.org))

February 19, 2010

## ***New Group to Watchdog Texas Drilling Industry***

### **Texas Oil & Gas Accountability Project Launches, Releases Oil & Gas Development Best Practices Platform**

- WHAT:** EARTHWORKS to launch Texas Oil & Gas Accountability Project; Texas OGAP to release DRILL-RIGHT TEXAS: Best Oil & Gas Development Practices for Texas.
- WHEN:** Wednesday, February 24, 2010  
1:00 p.m. Central Standard Time
- WHERE:** VIA Telephone Conference Call: 1-800-247-5110; passcode: 80993
- WHO:** Presenters will include - Gwen Lachelt, EARTHWORKS OGAP Director  
Calvin Tillman, Mayor of DISH, Texas  
Kathy Chruscielski, founder of PARCHED  
Don Young, founder of Fort Worth CANDO  
On hand to answer questions -  
Sharon Wilson, EARTHWORKS' Texas OGAP Organizer;  
Tim Ruggiero, Texas landowner;  
Wilma Subra, EARTHWORKS board member; and,  
State Representative Lon Burnham

### **BACKGROUND:**

EARTHWORKS will formally launch its Texas Oil & Gas Accountability Project (OGAP) via telephone conference on Wednesday, February 24 at 1:00 p.m. Central Standard Time. At the launch, Texas OGAP will release its campaign platform, DRILL-RIGHT TEXAS: Best Oil & Gas Development Practices for Texas. We will also introduce the lead Texas OGAP Organizer, Sharon Wilson, along with other key experts on the impacts of oil and gas development on health, communities and the environment. The new EARTHWORKS campaign will work throughout Texas to prevent and minimize the impacts caused by energy development.

EARTHWORKS' nationally-recognized Oil & Gas Accountability Project was created in 1999 to work with communities to prevent and reduce the impacts caused by energy development. In its first decade, OGAP boldly challenged the notion that natural gas is clean energy by exposing the industry practice of hydraulic fracturing, the widespread use of toxic drilling chemicals and the oil and gas industry's sweeping exemptions from U.S. environmental laws. OGAP has built a national network of diverse organizations addressing drilling issues and has pushed for the passage of precedent-setting laws and regulations protecting landowner rights, special places and public health from Alaska to New Mexico and beyond. OGAP's 2005 publication, *Oil and Gas at Your Door? A Landowner's Guide to Oil and Gas Development*, is considered the preeminent resource for landowners and communities facing drilling in their backyards.

EARTHWORKS staff and board members have worked with Texans since the Barnett Shale drilling boom sparked citizens to demand greater oversight of oil and gas activities in the region. For the past year, we've been coordinating with a volunteer steering committee of rural and urban residents to form Texas OGAP and develop DRILL-RIGHT TEXAS.

Working with concerned Texas citizens, Wilma Subra, a chemist and MacArthur Genius Award recipient, who is also a board member of EARTHWORKS, recently conducted a health survey in DISH, Texas, and presented the results to the DISH Town Board and Texas Commission on Environmental Quality (TCEQ): <http://www.earthworksaction.org/publications.cfm?pubID=439>. This work has already resulted in a new TCEQ same-day response policy to odor complaints from oil and gas facilities. Citizen pressure has also successfully persuaded the agency to begin air quality monitoring in the Fort Worth region, where over 1,100 wells have been drilled within city limits.

Texas OGAP will work with communities statewide to prevent and minimize the impacts caused by energy development. EARTHWORKS has 27,000 members nationwide, and maintains offices in California, Colorado, Montana, New Mexico, Texas and Washington, D.C.

-- ENDS --

For More Information

Contact:

Gwen Lachelt, 505-469-0380

More information:

DRILL-RIGHT TEXAS: Best Oil & Gas Development Practices for Texas  
Embargoed until February 24, 2010, 1:00 pm CST.

Downloading the document at the following link constitutes consent to the embargo:

[http://earthworksaction.org/Drill\\_Right\\_Texas\\_EMBARGOED.pdf](http://earthworksaction.org/Drill_Right_Texas_EMBARGOED.pdf)

Texas.OGAP [at] earthworksaction [dot] org

[http://earthworksaction.org/Texas\\_OGAP.cfm](http://earthworksaction.org/Texas_OGAP.cfm)

December 18, 2009

## ***Texas state government responds to results of DISH health survey***

Recent revelations that Barnett Shale residents' health at risk prods TCEQ to adopt new oil & gas policy

EARTHWORKS \* Texas Oil & Gas Accountability Project \* Town of DISH

DISH, Texas, 12/18 -- In response to recently revealed health impacts in the DISH area, today, the Texas Commission on Environmental Quality (TCEQ) acknowledged the need for new protections for citizens living in and around the Barnett Shale gas deposit. TCEQ stated it is now issuing an important change in odor response procedures. New policies will require TCEQ to respond to odor complaints on the same day as the complaint, or within 12-hours from receiving a complaint. The new procedure will enable citizens to document both odor and health symptom information by affidavit. These changes represent an important step-forward for the local governments and citizens working to mitigate irresponsible shale gas drilling.

In recent months, a mega-complex of compressor stations, gas processing plant, metering stations and gas wells located in the community of DISH have become a lightning rod for regulators. After years of emission problems and inaction from regulators, local leader, Mayor Calvin Tillman commissioned an area-air study that revealed toxic emissions exceeding regulatory limits in DISH and residents and a former resident have reported significant health symptoms.

The TCEQ decision comes just days after a contentious public meeting in DISH, in which citizens and public interest groups voiced concerns to the TCEQ about public health, property values and pollution. It also comes on the heels of a community-based health study released yesterday by EARTHWORKS and the Texas Oil & Gas Accountability Project. The Town of DISH and the groups have been calling on state regulators to establish a same-day community odor and tracking system, quickly perform an in-depth health investigation, and implement continuous 24-hour emissions monitoring.

“This is a step in the right direction,” said Calvin Tillman, Mayor of DISH. . “Same-day response on odors will indeed help DISH residents on a daily basis. We can’t lose sight, however, that companies and regulators need to prevent pollution in the first place. I’m not going to be totally satisfied until the people of the Barnett Shale stop smelling these odors in the first place.” In the last month, Mayor Tillman sent a letter to area companies requesting that they cease their operations until they could operate without putting public health at risk.

“It’s important that we get a handle on health impacts and oil and gas development,” says Wilma Subra, author of the Earthworks’ health study. “Odors are only part of the overall emissions equation, but they are an important part because residents are smelling emissions and experiencing immediate health impacts that are obviously associated.”

“There is a long road ahead of us and broader action across multiple agencies is necessary to prevent pollution from shale gas development,” said Jennifer Goldman of EARTHWORKS Oil & Gas Accountability Project. “Ensuring same-day odor-response and tracking of associated health

symptoms is critical, and it is indeed a victory for all residents living with the impacts of the Barnett Shale.”

-- ENDS --

For More Information

Documents to be used by TCEQ staff to record odors and take necessary enforcement action:

[Nuisance affidavit](#)

[Odor log](#)

TCEQ interoffice memorandum announcing [the new complaint and investigation procedures for the Barnett Shale](#)

Dec 17th press release announcing health survey results:

[http://www.earthworksaction.org/PR\\_DISH\\_HealthSurveyRelease.cfm](http://www.earthworksaction.org/PR_DISH_HealthSurveyRelease.cfm)

Health Survey Results:

<http://earthworksaction.org/publications.cfm?pubID=439>

Texas Oil & Gas Accountability Project (including links to and analysis of the Wolf Eagle study which caused the health survey to be done):

[http://earthworksaction.org/Texas\\_OGAP.cfm](http://earthworksaction.org/Texas_OGAP.cfm)

Town of DISH:

<http://townofdish.com>

December 17, 2009

## ***Community Health Survey Shows Shale Gas Threatens Human Health***

Groups, Town of DISH urge Texas regulators to act immediately in behalf of impacted citizens

EARTHWORKS \* Texas Oil & Gas Accountability Project \* Town of DISH

DISH, Texas, 12/17 -- Today, public interest groups and the Town of DISH released the final results of a health survey of area residents focused on the impacts of Barnett Shale gas infrastructure. The results show that more than half of surveyed maladies can be attributed to toxics first revealed in September in a DISH-commissioned study of area air quality. Based on the results, EARTHWORKS, the Texas Oil & Gas Accountability Project and the Town of DISH are calling on state regulators to immediately perform an in-depth health investigation, implement continuous 24-hour emissions monitoring, and establish a same-day community odor and symptom tracking system.

“We need action immediately,” said Calvin Tillman, DISH mayor. “I get odor complaints from residents almost everyday, and we now know that these odors and emissions are harmful to health.”

After years of state inaction, the community-based health survey conducted by Earthworks and the Texas Oil & Gas Accountability Project compiled information on residents’ medical background, proximity to shale gas infrastructure, experience of odor events, and associated health symptoms. The report reveals that area residents are experiencing odor events as often as two times per day and associate the majority of these odors with shale gas infrastructure.



“What is most revealing is that the community is reporting health symptoms that overlap significantly with the known health effects of chemicals already detected,” says Wilma Subra, of Earthworks and author of the survey. “We are seeing not only respiratory ailments and headaches, but brain disorders, pre-cancerous lesions and impairment of motor skills.”

Earthworks launched the health survey in September when Wolf Eagle Environmental and the Town of DISH released air-sampling results showing neurotoxins and carcinogens exceeding the state regulatory limits.

The Texas Commission on Environmental Quality (TCEQ) is due to release a final air-sampling report later this month, and the Texas Department of Health Services announced that an area health investigation was scheduled for 2010. The Department of Health Services’ health investigation will be among the first state health analysis of oil and gas health impacts.

“The people of the Barnett Shale cannot afford to wait until spring for appropriate action in DISH,” says Jennifer Goldman of Earthworks. “The state has ignored multiple requests for action on this issue. Only immediate action will reassure affected residents throughout the Barnett Shale that their concerns will be addressed. Kicking the can down the road will no longer suffice.”

“ I moved from DISH because of the health impacts,” says Megan Collins, who now lives in Fort Worth. “But you can’t keep moving. A month after I moved to Fort Worth a rig went up 2,000 feet from my house. I smelled odors and started to experience a relapse of symptoms. There’s really no where to go when you look at where the gas is and all the wells they want to drill.”

“DISH is the canary in the proverbial coal mine,” says Don Young, founder of Fort Worth CANDO and Texas OGAP steering committee member. “We are seeing the same emissions issues in Fort Worth and throughout the Barnett Shale. We are definitely looking to the State to show us the same type of leadership that Mayor Tillman and the Town Commissioners in DISH have. The State has got to help us get in front of these impacts.”

-- ENDS --

For More Information

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Jennifer Goldman, EARTHWORKS, (406) 587-4473

Don Young, FW CANDO and Texas OGAP, (817) 874-5277

Megan Collins, Former DISH Resident, (817) 229-5460

Health Survey Results:

<http://earthworksaction.org/publications.cfm?pubID=439>

Texas Oil & Gas Accountabilty Project (including links to and analysis of the Wolf Eagle study which caused the health survey to be done):

[http://earthworksaction.org/Texas\\_OGAP.cfm](http://earthworksaction.org/Texas_OGAP.cfm)

Town of DISH:

<http://townofdish.com>

November 2, 2009

***Chesapeake Energy Concedes...  
...risks inherent in hydraulic fracturing;  
...public's desire not to risk drinking water for more natural gas***

Statement of Gwen Lachelt, Director,  
EARTHWORKS' Oil and Gas Accountability Project

Durango, CO -- "Last week, Chesapeake Energy Corporation stated that it will not drill for natural gas within the New York City watershed, a small area within the Marcellus Shale natural gas reserve which underlies some of the Appalachian regions of New York, Pennsylvania, Ohio, Maryland and West Virginia. The watershed, which supplies untreated, clean water to nine million people, is under increasing pressure to drill.

EARTHWORKS' Oil and Gas Accountability Project appreciates Chesapeake Energy's recognition that drilling is inherently risky, and that people don't want their drinking water at risk. Welcome and unenforceable declarations aside, the greater issues of permanent protection for the watershed and an under-regulated polluting technology with a checkered history remain.

Hydraulic fracturing, the technology that has opened shale gas deposits across the country to profitable drilling, continues to be exempt from our nation's safe drinking water law because of a loophole included in the 2005 energy bill. This so-called "Halliburton loophole" threatens drinking water far beyond the New York City watershed.

There are a number of cases in the U.S. where hydraulic fracturing -- the injection of toxic chemicals underground at pressure high enough "fracture" the rock formation and liberate the gas it contains -- is the prime suspect in incidences of impaired or polluted drinking water. In Alabama, Colorado, New Mexico, Virginia, West Virginia and Wyoming, incidents have been recorded in which residents have reported changes in water quality or quantity following fracturing operations of gas wells near their homes

Representatives DeGette (D-CO), Hinchey (D-NY) and Polis (D-CO) and Senators Casey (D-PA) and Schumer (D-NY) have introduced Fracturing Responsibility and Awareness of Chemicals Act of 2009 (H.R. 2776 and S. 1215) to close the loophole and make sure that hydraulic fracturing is regulated to protect drinking water.

There are some places, like the New York City watershed, that should be off limits to drilling. We urge Chesapeake Energy to walk their talk and relinquish their leases in the watershed so that the area can be permanently protected. We also urge them to follow their concession to its logical conclusion: supporting the FRAC Act, so that in areas where drilling is appropriate, the public can have greater assurance that oil and gas drilling is done right."

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For More Information  
EARTHWORKS' Oil and Gas Accountability Project's Marcellus Shale Website  
<http://earthworksaction.org/marcellusshale.cfm>

[Gas Company Won't Drill in New York Watershed](#), by Jad Mouawad and Clifford Krauss, in the New York Times. 10/27/09.

October 20, 2009

## ***Conservation and Native American Groups Challenge Bush-Era Mining Giveaways***

### **Lawsuit Filed to Overturn Public Land Mining Regulations Joint release:**

EARTHWORKS \* Save the Scenic Santa Ritas \* High Country Citizens' \* Great Basin Resource Watch \* Western Mining Action Project \* Western Shoshone Defense Project

WASHINGTON, D.C., October 20-- A coalition of conservation and Native American organizations today filed a lawsuit in federal district court in Washington, D.C. challenging two regulations issued by the Bush Administration that weakened the requirements for environmental and taxpayer protections on federal public land involved in mining operations.

The Bush regulations overturned previous regulations and policies that had limited the dumping of mine waste to what was strictly allowed by federal mining and public land laws. These Bush-era policies allow multinational mining companies unlimited amounts of public land to dump toxic mine waste and tailings from large-scale industrial mining operations. The challenged regulation, first issued in 2003, reinterpreted what is known as the "millsite provision" of the 1872 Mining Law.

The other challenged regulation, issued in the waning days of the Bush Administration in December, 2008, had reversed a legal ruling that required the payment of "fair market value" for the use of public lands not specifically protected by valid mining and millsite claims. Here, the new regulation ignored a ruling from the federal court in Washington in 2003, which ordered the Interior Department to issue regulations so that mining companies would have to compensate the public for the use of public lands. Instead, the new regulation eliminates the mining industry's obligations to pay fair market value.

Large-scale mining operations, proposed across the western public lands, are taking advantage of these relaxed restrictions on mining. "Giving away rights to public land to multinational mining corporations at the expense of our precious groundwater and a healthy environment not only doesn't make sense, its against the law," said Gayle Hartmann, of the Save the Scenic Santa Ritas, a citizens group in Tucson, Arizona that is fighting to protect the canyons and oak-studded slopes of a mountain range south of Tucson from a large open-pit copper mine.

"The mining industry is using these new regulations to destroy lands that hold tremendous spiritual significance for Native Americans across the West," noted Larson Bill, with the Western Shoshone Defense Project in Nevada. In Nevada, mines proposed under the new regulations sprawl across thousands of acres of public land at each mine site. "The new regulations provide an illegal subsidy for these open pit mines that will cause permanent impacts to public land and in some cases leave a

toxic legacy- all at the expense of the hunters, hikers and Native communities that use these public lands,” said John Hadder, Executive Director of Great Basin Resource Watch in Reno.

In Colorado, residents of the town of Crested Butte have been fighting a large molybdenum mine proposed on Mt. Emmons in the watershed above the town. “Certain special places on our public lands should be protected for other more valuable uses, such as those supporting our recreation-based economy and clean water,” said Dan Morse, Executive Director of the High Country Citizens’ Alliance in Crested Butte. “These regulations illegally allow the mining industry to dump waste in our town’s drinking water supply, a giveaway that does not exist in the law,” said Morse.

“Allowing mining companies to escape paying their fair share for using public lands not only cheats the taxpayers, it creates a perverse incentive for companies to use public lands for waste dumping and other environmentally damaging practices,” said Lauren Pagel, Policy Director for EARTHWORKS. “Although the 1872 Mining Law is critically in need of reform, the existing laws must be enforced as well,” said Pagel.

“The new rules ignore the specific directive from the federal court requiring the payment of fair market value for the use of most of the lands at a mine site,” stated Roger Flynn, of the public interest law firm, Western Mining Action Project, in Lyons, Colorado which represents the groups in the lawsuit. “To make matters worse, in enacting these new regulations, the Bush Administration completely failed to consider the environmental impacts from such sweeping policy changes,” said Flynn. “These rules read as if they were written by the mining industry, not the government regulators supposedly entrusted with the care of the public’s lands,” noted Flynn.

The groups filing the lawsuit are Earthworks (based on Washington, D.C.), High Country Citizens’ Alliance (in Crested Butte, Colorado), Great Basin Resource Watch (in Reno, Nevada), Save the Scenic Santa Ritas (in Tucson, Arizona), and the Western Shoshone Defense Project (in Nevada). The Defendants are the U.S. Interior- the agency that issued the regulations, as well as the Agriculture Department, which along with Interior, oversees mining operations on western public lands.

-- ENDS --

Contacts:

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Gayle Hartmann, Save the Scenic Santa Ritas, 520-325-6974  
Dan Morse, High Country Citizens’ Alliance, 970-349-7104  
John Hadder, Great Basin Resource Watch, 775-348-1986  
Roger Flynn, Western Mining Action Project, 303-823-5738

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[EARTHWORKS](#) is a nonprofit public interest organization dedicated to protecting communities and the environment from the destructive impacts of mining, digging, and drilling, in the U.S. and worldwide.

[Great Basin Resource Watch](#) is dedicated to protecting the health and well being of the land, air, water, wildlife, and human communities of the Great Basin from the adverse effects of resource extraction and use.

The mission of [High County Citizens' Alliance](#) is to champion the protection, conservation and preservation of the natural ecosystems within the Upper Gunnison River Basin.

[Save the Scenic Santa Ritas'](#) mission is to protect the scenic, aesthetic, recreational, environmental and wildlife values of the Santa Rita Mountains, Patagonia Mountains, Canelo Hills and San Rafael Valley through education and outreach, including protection of these areas from degradation due to mining activities.

[Western Shoshone Defense Project](#) is a non-profit organization located in northern Nevada. Its mission is to protect and preserve Western Shoshone rights and homelands for present and future generations based upon cultural and spiritual traditions.

October 13, 2009

### *City reports toxic results of study of natural gas complex*

#### **Study serves as warning to communities across nation wrestling with shale gas infrastructure**

#### **DISH mayor calls for facility shutdown until emissions controlled**

Joint release:

EARTHWORKS \* Texas Oil & Gas Accountability Project

DISH, Texas -- The Town of DISH, TX has announced that its air quality study found seven locations where carcinogenic and neurotoxic emissions violated limits set by the Texas Commission of Environmental Quality (TCEQ). The town commissioned the study - which cost 15% of its total budget - to assess the mega-complex of compressors, condensate tanks, and major pipelines that process and transport natural gas extracted from the Barnett Shale underlying the area. .

“Frankly, I didn’t think the results would come back as bad as the did, “ said Mayor Calvin Tillman. “ TCEQ needs to shut these compressors down immediately and until we can get emission controls that protect the residents living right up against this infrastructure.”

DISH’s study - performed by Wolf Eagle Environmental -- revealed benzene, a known carcinogen, at all seven sampling locations, with three samples exceeding the state’s limits. Other hazardous pollutants were also detected above regulatory limits. The Town - which commissioned the study after failed attempts to draw the attention of State regulators -- is now working to develop baseline data for community health impacts.

The Town of DISH serves as a warning for other communities dealing with the shale gas industry as it drills newly accessible deposits across the country, including Texas, New York, Pennsylvania, Ohio, West Virginia and Arkansas.

“Living with this type of infrastructure and development is difficult to imagine until it’s here. You can feel and hear the compressor engines roaring,” says Kathy Chruscielski, a citizen activist with the Texas Oil & Gas Accountability Project. “It’s like living next to a 24 hour truck stop.

Homeowners suddenly find themselves next door to an industrial zone with very little recourse at the federal and state levels.”

In Horseheads, New York, Schlumberger - a \$75 billion multinational energy company -- is proposing a 65-acre distribution and bulk chemical storage facility that will serve drilling and fracturing operations in the Marcellus Shale deposit.

“Based on Horseheads’ welcome of Schlumberger, I don’t think the Village government really has thought about what’s coming,” says Wes Gillingham of Catskill Mountainkeeper. “Experience like DISH’s and others warn of the too often negative consequences of shale infrastructure.”

National groups focused on gas policy reform say that fixes are needed at both the federal and state levels, and enforcement is critical. The FRAC Act, introduced in both Houses of Congress by members representing shale gas regions, would start this process by ending a Cheney-era loophole to the Safe Drinking Water Act and require full disclosure of all drilling toxics.

“We need to get the balance right,” says Gwen Lachelt, Director of EARTHWORKS’ Oil & Gas Accountability Project. “The drilling industry’s track record repeatedly demonstrates that current regulation is inadequate. Fortunately, shale drilling is in its early stages, so it’s not too late to learn from decades of hard-won experience in the Rocky Mountain gas patch and elsewhere. That experience shows there is no substitute for adequate federal and state oversight and enforcement. We can start with passage of the FRAC Act.”

In DISH, Mayor Tillman echoes the statement about getting it right with what he calls the precautionary tale of DISH’s mega gas complex.

“The companies behind the gas complex gave us a great sales pitch. But that’s all it was. Turns out we needed stronger rules to make them walk their talk.”

-- ENDS --

For More Information

Contacts:

Calvin Tillman, Mayor of DISH Texas, (940) 453-3640

Kathy Chruscielski, Texas Oil and Gas Accountability Project, 817-448-6348

Gwen Lachelt, EARTHWORKS, 970 259-3353

Jennifer Goldman, EARTHWORKS, 406-587-4473

LINKS:

Town of DISH Health Study can be found online at: <http://www.townofdish.com>.

EARTHWORKS’ Analysis of of the study can be found online at:

<http://earthworksaction.org/publications.cfm?pubID=431>

EARTHWORKS’ background on:

the fracturing technique commonly used in the shale gas deposits --

<http://fracturing.earthworksaction.org>

the inadequacy of current regulation of fracturing --

<http://halliburton.earthworksaction.org>

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The Texas Oil & Gas Accountability Project is a campaign of EARTHWORKS  
EARTHWORKS is a nonprofit public interest organization dedicated to protecting communities  
and the environment from the destructive impacts of mining, digging, and drilling, in the U.S. and  
worldwide.

October 8, 2009

## ***City to Report Toxic Results of Gas Complex Study at Local Meeting***

*Meeting will allow community to discuss study results, learn about new local Health Assessment*

### **Joint Advisory: EARTHWORKS \* Texas Oil & Gas Accountability Project**

For immediate release: October 8, 2009

The results of a DISH, Texas municipal Ambient Air Quality Study recently revealed high concentrations of toxic air emissions, including neurotoxins and carcinogens, near and on residential properties in the small town of DISH, Texas. Local officials will formally discuss the results of the study and provide information about a community-based Health Assessment at a public meeting in DISH, Texas on October 12th at 7p.m. on Monday, October 12th.

DISH is located in the epicenter of the Barnett Shale gas play and is home to a megacomplex of compressor stations, as well as pipelines, metering stations, gathering lines and gas wells. The Town of DISH's air study sampled air at seven locations from August 17 to 18, 2009. The results of this analysis revealed high concentrations of carcinogenic and neurotoxin compounds near and on residential properties. The report also indicated that many of the compounds in the air exceeded the Short-term and Long-term Effects Screening Levels according to the Texas Commission on Environmental Quality regulations.

**WHO:** The Town of DISH's public meeting will provide an opportunity for presentations by: (i) the Town of DISH, (ii) authors of DISH Ambient Air Quality Study, Wolf Eagle, and (iii) Wilma Subra, President of the Subra Company, Inc., and a member of EARTHWORKS' Board of Directors.

**WHAT:** In concert with the Town of DISH, the Texas Oil & Gas Accountability Project has launched a Health Assessment in which they are gathering information from citizens in the area about health symptoms and impacts. The Health Assessment is being circulated door-to-door in DISH to approximately 200 households. Information about the study will be presented by Wilma Subra, chemist, President of Subra Company, Inc and EARTHWORKS Board member.

**WHERE:**

5413 Tim Donald Road  
DISH, Texas 76247

**WHEN:** 7 pm, October 12, 2009

--ENDS--

The Texas Oil & Gas Accountability Project is a campaign of EARTHWORKS.

EARTHWORKS is nonprofit public interest organization that works to protect communities and the environment from the destructive impacts of mining, digging, and drilling, in the U.S. and worldwide.

## **For More Information**

### **Contacts**

- Jennifer Goldman, EARTHWORKS, 406-587-4473,
- Kathy Chruscielski, Texas Oil and Gas Accountability Project, 817-448-6348
- Wilma Subra, EARTHWORKS, 337-578-3994

### **Links**

- Town of DISH Health Assessment can be found on line at: <http://www.townofdish.com/>
- EARTHWORKS Analysis of Study can be found online at: <http://earthworksaction.org/publications.cfm?pubID=431>
- DISH, Texas Municipal Ambient Air Quality Study can be found online here: <http://townofdish.com/>

October 1, 2009

## ***Drilling Contamination Spreads as Polluter's Bankruptcy Looms***

**Joint Release: Powder River Basin Resource Council \* EARTHWORKS  
Community's water, cleanup at risk**

### **Incident demonstrates need for FRAC Act and stronger oversight**

Clark, WY, 10/01 -- Clark Resource Council has learned that Windsor Energy Group, LLC recently put its assets up for bid. At a public meeting in September Windsor representatives explained that benzene is also above regulatory levels east of Line Creek- where Windsor had guaranteed it would not go. Assuming no buyer is found, the logical next step is bankruptcy: leaving the community's groundwater, and cleanup of the pollution, in doubt.

"Every thing Industry told us would not happen, has," says Deb Thomas local resident and organizer for the Clark Resource Council. "Before the first operators of this project bankrupted, we were told that drilling was safe and no toxic chemicals were used. Since Windsor bought the development, we've had years of leaking waste pits, illegal dumping of drilling fluids, inadequate engineering, and finally, the blow out, which left us with contaminated drinking water aquifers. Windsor said the contamination plume wouldn't move into private water wells or jump the Creek, and it did both. Now we fear that Windsor will join their predecessors by bankrupting and simply walk away from their mess."

Windsor Energy Group's Crosby 25-3 gas well blew out in the small community of Clark, Wyoming three years ago. Contamination plumes have continued to move since then, and how clean up will occur remains undecided. The blowout resulted in a 10 million cubic foot plume of groundwater contamination- or more than 100 Olympic-size swimming pools worth.

The plume has contaminated drinking water aquifers, 2 private water wells and natural springs with benzene, diesel range organics, and an extensive list of toxic chemicals. The plume is also putting more than 20 downstream drinking water wells at risk. As much as 300,000 gallons of contaminated water has dumped daily into the Line Creek drainage, which then flows into the Clark Fork of the Yellowstone River.

Clark Resource Council, Powder River Basin Resource Council and Earthworks' Oil and Gas Accountability Project emphasize that the experience in Clark shows that State agencies are not adequately equipped to address the impacts and risks associated with drilling projects.

"I want other communities who are facing development to understand that they're at risk from the oil and gas industry's cavalier regard for the environment and human health," says impacted resident, Dick Bilodeau. "When oil and gas companies screw up, the results are neither simple, nor cheap, to clean up. We need adequate federal oversight to protect areas under development, and complete disclosure so that impacted people can determine what health problems they're facing now and will be in the future."

In Wyoming the State's Voluntary Remediation Program allows polluters like Windsor to remediate contamination and then be released from liability. With Windsor Energy Group's bankruptcy

looming, Bilodeau and other community members fear that the extent of the contamination will never be adequately assessed and clean up will never happen.

The news of contamination crossing under Line Creek and Windsor's asset sale comes just after the EPA released its investigative finding on water contamination in Pavillion, WY, which residents fear is associated with EnCana's deep gas operations.

"These cases demonstrate the clear and present danger posed by drilling operations under current regulation," says Bruce Baizel, staff attorney for EARTHWORKS' Oil & Gas Accountability Project. "They clearly show the urgent need for incremental federal regulation, like the FRAC Act now before Congress, and they also show that the FRAC Act only begins to address the need for stronger oversight."

-- ENDS --

For More Information

Contacts:

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Dick Bilodeau, Clark Landowner, 307-254-4313

Bruce Baizel, EARTHWORKS' Oil & Gas Accountability Project, 970-259-3353

Jennifer Goldman, EARTHWORKS' Oil & Gas Accountability Project, 406-587 4473

EARTHWORKS' hydraulic fracturing background:

<http://fracturing.earthworksaction.org>

The inadequate regulation of hydraulic fracturing:

<http://halliburton.earthworksaction.org>

FRAC Act info -- including issue background links at page bottom:

[http://www.earthworksaction.org/PR\\_FRACjointLtr.cfm](http://www.earthworksaction.org/PR_FRACjointLtr.cfm)

Powder River Basin Resource Council:

[www.powderriverbasin.org](http://www.powderriverbasin.org)

September 16, 2009

## ***Efforts to Reform Natural Gas Development Gain Momentum***

For immediate release: September 16th, 2009

Joint Release

*Washington, DC, Sep 16* - As the House Natural Resources Committee holds hearings on reforms to the nation's oil and gas program, [more than 160 community and national organizations across the country signed on to a letter of support](#) for passage of legislation that would protect drinking water from the growing impacts of hydraulic fracturing, a process used in most natural gas drilling projects.

“When it comes to the public's health, it is not unreasonable to require the oil and gas industry to disclose the toxic chemicals they use in our local communities,” said Rep. Diana DeGette (D-CO). “The oil and gas industry has one of the only exceptions under the Safe Drinking Water Act that frees them from federal oversight and disclosure. With people getting sick from contaminated water sources potentially due to frac'ing, the public's safety is paramount.” Rep. DeGette introduced the Fracturing Responsibility and Awareness of Chemicals Act (or “FRAC Act”) in the House with Rep. Maurice Hinchey (D-NY) and Rep. Jared Polis (D-CO). Sens. Bob Casey (D-PA) and Chuck Schumer (D-NY) introduced the bill in the Senate.

“While hydraulic fracturing has been used for decades, the chemicals used in this process are known toxins that inherently present risks to drinking water supplies,” said Rep. Hinchey. “Natural gas drilling certainly has its place as part of a comprehensive energy plan, but it must be done in a way that does not jeopardize public health and put the environment at risk for decades and centuries to come.”

Although the oil and gas industry has consistently alleged potential economic consequences of the proposed regulations, a recent economic critique of industry publications conducted by ECONorthwest detailed fundamental flaws in these allegations. [The critique, commissioned by Natural Resources Defense Council](#), found that the industry reports fail to consider the wide range of alternatives for implementing the proposed regulations, including ways that could reduce costs and increase benefits. They also ignore the economic benefits of the proposed regulations and grossly exaggerate the economic costs of the proposed regulations. The authors concluded: “The errors contained in the three reports are serious enough to render their findings untenable from an economic perspective.” The critique can be found at:

“Developing energy and protecting the environment is not an either/or scenario,” said NRDC's Amy Mall. “We strongly believe clean solutions are readily available, economical, and sometimes even profitable for industry. The FRAC Act is a common sense approach, especially when drinking water and human health are at risk.”

New polling from the Western Organization of Resource Councils demonstrates that voters in Montana and Colorado's 3rd Congressional District strongly support the sort of increased water protection that the act would provide. The polling, available at [www.worc.org](http://www.worc.org), shows that voters

favor regulating hydraulic fracturing and protecting all bodies of water from pollution under the Clean Water Act.

“As we continue to produce oil and gas throughout the Rockies, in Texas and Arkansas and now in Pennsylvania, West Virginia, and New York, we need to put in place the safeguards for our communities and the water they depend on,” said Bruce Baizel, senior staff attorney with Earthworks’ Oil & Gas Accountability Project, based in Durango, Colorado. “We don’t 10 to 15 years of natural gas production to leave us with a lifetime legacy of contaminated water.”

According to Baizel, recent state hearings in Colorado revealed that the oil and gas industry has caused more than 300 instances of contaminated water in Colorado since 2003 and more than 700 instances in New Mexico, and no one has thoroughly investigated whether contamination is linked to hydraulic fracturing. Citizens in other states are also increasingly impacted and concerned that state regulations, investigations and response to complaints are not sufficient. For example, at Louis and Donna Meeks’s farm in the Pavillion, Wyoming area, where EnCana Oil and Gas operates the Pavillion/Muddy Ridge gas field, the Center for Disease Control has advised the Meeks not to use water from their contaminated drinking water well.

“My water well has been contaminated, and I believe it’s because EnCana drilled and fracked gas wells close to my well,” said Louis Meeks. “The state has done nothing but watch, while EnCana contaminated the ground water where we get our drinking water. EnCana ruined my well and now that they can’t fix it, they’ve walked away. That’s why we need federal oversight.”

“With increasing concern about climate change, it’s clear that natural gas is positioned to play a significant role in the nation’s energy picture,” said The Wilderness Society’s Dave Alberswerth. “But we need to improve the way natural gas is currently developed, so it doesn’t pollute water supplies and our atmosphere or damage wildlife habitat. Natural gas will not be a viable ‘bridge fuel’ from a health and environment perspective until we factor in the true environmental cost of its development and begin to use safe, twenty-first century technologies.”

“Only by having access to all of the pertinent information related to natural gas drilling of the Marcellus Shale can the general public and elected leaders take the proper steps to protect our environment and public health,” said Erika Staaf of PennEnvironment. “We, along with many others, support the Fracturing Responsibility and Awareness Act because it will close the gaping loopholes in the Safe Drinking Water Act and will act as a step toward ensuring that every Pennsylvanian, and every American, has access to clean drinking water.”

## **For More Information**

### **Contacts:**

- Bruce Baizel (970/259-3353x2), EARTHWORKS
- Kristen Kerecman (202/429-2608), The Wilderness Society;
- Matt Garrington (720/206-4348), Environment Colorado

[Joint letter to Congress](#)

[Economic critique of drilling industry claims of the impact of stronger regulation](#)

[WORC polling of Montana and Colorado](#) showing voters favor regulating hydraulic fracturing and protecting all bodies of water from pollution under the Clean Water Act

[mp3 of the September 16th press teleconference surrounding release of the letter](#). Includes representatives of national advocacy organizations and members of impacted communities.

EARTHblog: [FRAC Act is necessary. Or, “trust us” just doesn’t cut it.](#)

[Profile of Louis Meeks](#), Pavillion, WY citizen whose water was polluted by fracking chemicals, including a video interview.

[Info on frack fluids](#)

[Hydraulic Fracturing myths and facts](#)

[Info on the shortcomings of fracking regulation](#)

August 20, 2009

## ***Native, Conservation groups oppose State Department dirty pipeline permit***

### ***Court challenge is being prepared to overturn decision***

August 20, Washington, DC - An international coalition of environmental and Native American groups strongly opposed Thursday's U.S. State Department decision to issue a permit for a pipeline to carry the dirtiest oil on earth from Canada to the U.S. and vowed to challenge it in court.

"The State Department has rubber-stamped a project that will mean more air, water and global warming pollution, particularly in the communities near refineries that will process this dirty oil," said Earthjustice attorney Sarah Burt. "The project's environmental review fails to show how construction of the Alberta Clipper is in the national interest. We will go to court to make sure that all the impacts of this pipeline are considered."

The international coalition of groups has pointed out that this decision contradicts President Obama's promise to cut global warming pollution and America's addiction to oil while investing in a clean energy future.

The State Department's decision would allow construction of Enbridge Energy's Alberta Clipper pipeline across northern Minnesota to Superior, Wis. and the Southern Lights pipeline to carry hazardous liquids back to Canada.

Tar sands development in Alberta is creating an environmental catastrophe, with toxic tailings ponds so large they can be seen from space and plans to strip away the forests and peat lands in an area the size of Florida. In addition, greenhouse gas emissions from tar sands production are three times that of conventional crude oil and it contains 11 times more sulfur and nickel, six times more nitrogen and five times more lead than conventional oil. These toxins are released into the U.S. air and water when the crude oil is processed into fuels by refineries.

"The tar sands pipeline connects U.S. refiners and consumers with the dirtiest, most carbon-intensive crude oil on earth," said Kevin Reuther, Minnesota Center for Environmental Advocacy's legal director. "Tar sands crude is causing massive environmental degradation in Canada and results in significantly more greenhouse gas emissions. This is the absolute wrong step to take if we want to create a greener energy future."

Secretary of State Hillary Clinton needed to find that allowing the pipeline to be built across the U.S.-Canadian border would be in the national interest of the United States. In fact, this pipeline will hurt the United States.

"Importing dirty tar sands oil is not in our national interest," said EARTHWORKS' Senior Staff Attorney, Bruce Baizel, . "At a time when concern is growing about the national security threat posed by global warming, it doesn't make sense to open our gates to one of the dirtiest fuels on earth. This pipeline will lock America into a dirty energy infrastructure for years to come. This is exactly the kind of project the State Department should be protecting us from."

Many of the groups involved also have appealed the U.S. Forest Service over its willingness to allow the pipeline to traverse parts of the Chippewa National Forest in Minnesota. In addition, a group of tribal members have apparently gathered enough signatures on a petition to hold a referendum on the Leech Lake tribal council's agreement to allow the line through tribal land.

“We are saddened by the news that the Presidential Permit was signed today,” said Marty Cobenais of the Indigenous Environmental Network, a Bemidji, Mn.-based non-profit. “The voices and rights of the Leech Lake Band members are not being listened to by the Obama Administration. According to the Minnesota Chippewa Tribe Constitution they are allowed to hold a referendum vote and allow the members to decide to accept the agreement with Enbridge or not. Nearly 700 signatures were obtained. If they vote against the agreement, the pipeline route would have to go around the boundaries of the Leech Lake Reservation, which would require a new Environmental Impact Study, plus other permits including a new Presidential Permit.

“This project is being approved without all the federal regulations completed. The Bureau of Indian Affairs (BIA) is still waiting to receive a completed application from Enbridge Energy and the Leech Lake Band of Ojibwe to begin their approval process for allotment lands affected by these pipelines.”

###

## **For More Information**

### **Contact:**

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- Bruce Baizel, Senior Staff Attorney, EARTHWORKS, 970-259-3353x2
- Chuck Laszewski, Communications Director, MCEA, 651.223.5969
- Tom Goldtooth , Executive Director, Indigenous Environmental Network, 218. 751. 4967

### **Links:**

- [Alberta Clipper](#)
- IEN - [Canadian Indigenous Tar Sands Campaign](#)
- State Department - [Alberta Clipper](#)

August 14, 2009

## ***EPA Confirms Drinking Water Contamination by Toxics Used in Hydraulic Fracturing***

Joint Press Release: EARTHWORKS \* Powder River Basin Resource Council

**EPA will investigate nearby oil and gas development to determine contamination source**

### ***Pavillion, WY citizens call for fracking moratorium***

*Pavillion, WY, August 14, 2009* - This week U.S. Environmental Protection Agency told a group of over 70 that initial investigations found 11 of 39 tested drinking water wells were contaminated. Among the contaminants are toxics used in oil and gas production.

As part of a Superfund investigation, EPA began sampling in March 2009 in the Pavillion, WY area in response to multiple landowners concerns about changes in water quality and quantity following EnCana's increased gas development in the area. Wyoming Department of Environmental Quality (WDEQ) and EnCana had continually assured Pavillion residents that there was no evidence of hydrocarbons or toxic chemicals in their drinking water wells.

"Our families and neighbors are experiencing everything from miscarriages and rare cancers to central nervous system disorders, seizures, and liver disease" said John Fenton of Pavillion Area Concerned Citizens, a citizens group formed to address oil and gas contamination.

EPA confirmed the presence of 2-butoxyethanol (2-BE), a known constituent in hydraulic fracturing fluids, in three wells. This is the same chemical that was documented in the water well of Laura Amos, a Colorado landowner, after nearby wells were hydraulically fractured by EnCana. EPA reported that other water contamination, in the Pavillion wells, included methane, as well as adamantanes (a form of hydrocarbon) and six other chemical compounds of concern.

In 2001 EnCana's fracturing operations in Silt, Colorado were linked to methane and other contamination of Ms. Amos' nearby water well. Amos was unable to test immediately for chemical constituents related to hydraulic fracturing as she was unable to identify what chemicals were in EnCana's drilling products. In 2003 Ms. Amos was diagnosed with a rare adrenal cancer and she later discovered that 2-BE had been used in EnCana's fracking products. According to Dr. Theo Colborn at The Endocrine Disruption Exchange, known health effects of 2-BE include elevated numbers of combined malignant and non-malignant tumors of the adrenal gland, kidney damage, kidney failure, toxicity to the spleen, the bones in the spinal column and bone marrow, liver cancer, anemia, female fertility reduction, and embryo mortality.

As a result of the EPA's findings, residents in the Pavillion area are now calling for a halt to EnCana's fracturing operation. "It's very concerning that we are finding known fracturing products and hydrocarbons in our citizens' water wells," says John Fenton. "We'll await EPA's determination as to what is the cause of this contamination. However, in the mean time, we are asking EnCana to ensure no more fracturing occurs in the area."

EPA stated that they will continue sampling, meeting with all parties and working with EnCana to determine the source and extent of the contamination. Randy Tuween, an EnCana representative at the meeting, pledged to fully cooperate with the community and EPA officials.

“Full cooperation in this instance requires that EnCana fully disclose what products and chemicals have been used in the Pavillion/Muddy Ridge fields,” says Deb Thomas, organizer for the Power River Basin Resource Council and the Pavillion Area of Concerned Citizens. “This shows why federal regulation of fracturing and drilling operations is so important. We have been seeking answers from EnCana and the State of Wyoming for years. We are very pleased that EPA is now getting results. All citizens deserve clean water.”

In June, the Fracturing Responsibility and Awareness of Chemicals Act (S. 1215/HR 2766) was introduced to require disclosure of fracturing chemicals to public agencies and to lift the exemption for hydraulic fracturing under the Safe Drinking Water Act. The legislation, known as the FRAC Act ensures that a federal minimum standard would prohibit endangerment of underground sources of drinking water while allowing states flexibility in implementing that standard.

“Citizens throughout the country have been reporting changes in their water well’s quality and quantity after nearby hydraulic fracturing operations for years and voicing concerns about both short and long-term health effects,” said Jennifer Goldman of Earthworks’ Oil and Gas Accountability Project. “The FRAC Act is critical to ensuring that we know what toxics are being injected into and near our aquifers and to holding the oil and gas industry accountable for the environmental and health impacts.”

\*\*\* END \*\*\*

## **For More Information**

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- Jennifer Goldman, EARTHWORKS: 406-587-4473
- John Fenton: 307 856-7098

On [hydraulic fracturing](#)

On the [inadequate regulation](#) of hydraulic fracturing

[On Laura Amos, the Colorado landowner poisoned by 2-BE](#) (including links to the Endocrine Disruption Exchange report on 2-BE)

[The 2005 Denver Post story on Laura Amos’ troubles](#) -- including mention that the Colorado Oil and Gas Conservation Commission cited EnCana for contaminating her well.

On the [Powder River Basin Council](#)

June 26, 2009

***Statement of Payal Sampat, EARTHWORKS, on Supreme Court ruling on mining waste disposal in water bodies***

Washington, D.C., 6/26 - 6/26/2009 US and global waterways are at greater risk of industrial contamination following the US Supreme Court's ruling this week allowing a mining company to dump millions of gallons of toxic waste into an Alaskan lake. The Court's decision was based on a 2002 Bush-era policy that allows solid waste and contaminated materials to be dumped directly into lakes, streams and other water bodies. As Justice Ginsburg wrote in her dissent, the ruling contravenes the "core command" of the Clean Water Act. EARTHWORKS is deeply disappointed by the ruling and its negative implications for clean water.

The outdated 1872 Mining Law has given mining companies virtually free access to public lands, and metals mining remains the single largest industrial polluter in the US. Now, the Supreme Court has given the mining industry yet another free pass, by ruling that even the Clean Water Act does not apply at Alaska's Kensington mine. The mining company has acknowledged that its daily discharge of 210,000 gallons of toxic mine waste will decimate all fish and aquatic life in the lake.

This ruling places the United States outside of the growing international consensus that disposal of mine tailings into natural water bodies is unacceptable. The Norwegian Pension Fund has banned three metals mining companies from its investment portfolio specifically because of their destructive disposal of mine waste into water bodies. The largest mining company in the world, BHP Billiton, has a written policy against disposing tailings into rivers or the ocean at new mines. Mines that dispose of mine wastes into natural water bodies, such as Ok Tedi in Papua New Guinea, or Grasberg in Indonesia, provide cautionary evidence of the harmful results of this practice.

The United States must correct this serious misstep and protect its natural resources from long-term mining pollution. EARTHWORKS calls on the Obama administration and Congress to act promptly to ensure our nation's precious water resources are not destroyed by mine waste dumping. We urge the Army Corp of Engineers and the Environmental Protection Agency to issue a new rule to rectify this situation, or simply revise an informal EPA memo on the issue. HR 1310, the Clean Water Protection Act, introduced this Congress by Representatives Frank Pallone (D-NJ) and Dave Reichert (R-WA), will also protect lakes and streams from irresponsible waste dumping."

**For More Information**

- Payal Sampat, Acting Executive Director, 202-887-1872x210
- [Justice Ginsburg's dissent](#)

June 6, 2009

## ***Senators, Representatives act to close Halliburton Loophole in the Safe Drinking Water Act***

**New legislation would end Bush-era exemption for oil and gas industry, protect drinking water from drilling toxics**

### **Local governments express support for ending loophole**

(Washington, D.C., June 9) - Today Senators Casey (D-PA) and Schumer (D-NY), and Representatives DeGette (D-CO), Polis (D-CO) and Hinchey (D-NY) introduced bills in the Senate and House to close the so-called "Halliburton Loophole" in the Safe Drinking Water Act that exempts hydraulic fracturing, and to require the public disclosure of hydraulic fracturing chemicals. The Halliburton loophole authorizes oil and gas drillers, exclusively, to inject known hazardous materials -- unchecked -- directly into or adjacent to underground drinking water supplies. It passed as part of the Bush Administration's Energy Policy Act of 2005.

"Energy development needn't threaten our drinking water and public health -- but under the Halliburton loophole, it does," said John Fenton, a rancher negatively impacted by drilling activity, and member of the Pavillion Area Concerned Citizens in Wyoming.

Hydraulic fracturing injects fluids under extremely high pressure into an oil or gas well to crack open underground oil and gas formations. The fluids usually contain highly toxic chemicals, and hydraulic fracturing is suspected of contaminating drinking water across the country. Hydraulic fracturing is now taking place in 34 states !! from New York to Ohio to Colorado.

"When it comes to protecting the public's health, it's not unreasonable to require these companies to disclose the chemicals they are using in our communities, especially near our water sources," said U.S. Representative Diana DeGette (D-CO), Vice Chair of the Committee on Energy and Commerce. "Our bill simply closes an unconscionable Bush-Cheney loophole by requiring the oil and gas industry to follow the same rules as everyone else."

The exemption is known as the "Halliburton loophole" because former Vice President Dick Cheney, ex-CEO of Halliburton, is associated with its creation. Halliburton developed hydraulic fracturing in the 1940s, and remains one of the three largest manufacturers of fracturing fluids.

"It's time to fix an unfortunate chapter in the Bush administration's energy policy and close the 'Halliburton loophole' that has enabled energy companies to pump enormous amounts of toxins, such as benzene and toluene, into the ground that then jeopardize the quality of our drinking water," said U.S. Representative Hinchey (D-NY). "Our legislation says everyone deserves to have safe drinking water by ensuring that hydraulic fracturing is subject to the protections afforded by the Safe Drinking Water Act. The bill also lifts the veil of secrecy currently shrouding this industry practice."

The legislation ensures that a federal minimum standard prohibits endangerment of underground sources of drinking water while allowing states flexibility in implementing that standard. These bills also require disclosure to relevant public agencies of the chemical constituents used in fracturing.

“Oil and gas drilling is important to our local economy,” said Michael Rendon, Mayor Pro Tem of Durango, Colorado. “However, the public deserves to know what type of industrial chemicals are in use near their homes and water resources so they can protect themselves and their communities.”

As so-called unconventional gas drilling expands across the country, the potential threats to water from this unregulated practice continue to grow. [In response, local governments and water districts have passed resolutions that demand action to close the loophole and protect drinking water.](#)

“Let’s not let rural New York and other communities suffer the same fate of those that have gone before us,” said Don Barber, Supervisor of Town of Caroline and the chair of the Council of Governments in Tompkins County. “Let’s get in front on drilling impacts by ensuring that we get the facts about hydraulic fracturing chemicals, and that the oil and gas companies aren’t given special treatment, but held accountable to protect our water resources like every other industry.”

Like many other local governments across the country, the Township of Nockamixon, Pennsylvania has recently taken steps to protect water and other community resources in the face of drilling. The Township amended local drilling regulations in 2006, and earlier this month they adopted a resolution calling for supporting Congressional action to require fracturing to comply with the Safe Drinking Water Act.

“Current regulation of hydraulic fracturing is not sufficient,” said Supervisor Chair, Nancy Janyszeski of Nockamixon. “From where I sit, ensuring a federal minimum water standard and disclosing chemical makeup is essential.” In 2008 the Delaware River Basin Commission (DRBC) adopted Special Protection Waters (SPW), this month they announced they will require anybody drilling for gas within the area to apply for a drilling permit. All of these efforts are achievements towards responsible drilling and protecting our extremely valuable resource, water.”

Several other major environmental protection statutes contain loopholes for the oil and gas industry, including the Clean Air Act, Clean Water Act, and the Resource Conservation and Recovery Act.

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## **For More Information**

### Contacts

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- Jeff Lieberon, Rep. Maurice Hinchey, 202-225-6335
- John Fenton, Pavillion Area Concerned Citizens/Powder River Basin Resource Council: 307-856-7098
- Michael Rendon, Mayor Pro Tem of Durango, Colorado: (W) 970-250-3074/(H) 970-375-0855
- Don Barber, Supervisor, Town of Caroline, New York: 607-345-2579
- Nancy Janyszeski, Supervisor, Nockamixon Township, Pennsylvania: 601-847-6928
- Kari Matsko, Northeast Ohio Gas Accountability Project: 440-209-0545

## **For More Information**

The text of [the Fracking Responsibility and Awareness of Chemicals Act \(FRAC ACT\)](http://www.earthworksaction.org/halliburton.earthworksaction.org)

Fact sheets, and local resolutions opposing the Halliburton Loophole:

<http://www.earthworksaction.org/halliburton.cfm#FMI>

Our Drinking Water at Risk

<http://www.earthworksaction.org/publications.cfm?pubID=90>

EARTHWORKS' Oil & Gas Accountability Project:

<http://www.ogap.org>

Northeast Ohio Gas Accountability Project:

<http://www.neogap.org>

March 31, 2009

## ***New Mexico's land and water face challenge from the oil and gas industry***

### **New Mexico Citizens for Clean Air \* New Mexico Environmental Law Center \* EARTHWORKS' Oil & Gas Accountability Project**

*ALBUQUERQUE, NEW MEXICO, March 31st* - Three organizations announced today their opposition to a state plan to weaken a hard-fought water and land protection rule. On February 18, Governor Richardson announced he was directing the Energy, Minerals and Natural Resources Department to work with industry to develop amendments that would save them the cost of compliance to the recently amended Pit Rule.

The Pit Rule improved regulation of waste from oil and gas operations, and is one of the nation's better rules protecting water, soil, plants, wildlife and public health from toxic levels of salt and other chemicals in oil and gas waste pits. The state officially adopted the new rule last May, but due to the Governor's urging, the Oil Conservation Division (OCD), a division of the Energy, Minerals and Natural Resources Department, filed a petition on February 27th to amend the rule.

EARTHWORKS' Oil & Gas Accountability Project (OGAP) and New Mexico Citizens for Clean Air and Water will urge the state not to rollback standards limiting how toxic wastes can be abandoned on well sites throughout New Mexico. These organizations were members of the Governor's previous Pit Rule Task Force and were official parties to the lengthy rulemaking process. They will present testimony at the OCC hearing on Thursday, April 2nd, 9 a.m. in Santa Fe (details below). OGAP will be represented by the New Mexico Environmental Law Center. This hearing is open to the public.

"It's critical the state maintain its current standard, which, in effect allows on-site burial of most of the less-salty drilling wastes that occur in New Mexico," states Don Neeper, a technical witness for the New Mexico Citizens for Clean Air and Water. "The proposed rule change will allow on-site burial of the extremely salty drilling wastes. Burial of these wastes in a plastic-lined trench at each drilling site would leave a landscape littered with toxic modules, from which salt will migrate toward the surface and toward ground water when the plastic degrades. In these concentrations, salt pollution is permanent pollution."

The rule adopted a year ago requires that oil and gas waste burials (or pits) must now be lined and registered with the state. When groundwater is within 50 feet of the pit, companies must find alternatives to on-site burial, such as "closed-loop" or pitless drilling systems. Any waste that is buried on-site must first be tested and meet standards to guard against contamination. The Governor put forward six proposals including extending the amount of time operators have to remove liquids from pits and close-out temporary pits.

"It's troubling that such a significant aspect of the Pit Rule could be changed without the extensive public stakeholder process that was implemented when the Pit Rule was initially adopted," states Eric Jantz, staff attorney of the New Mexico Environmental Law Center representing OGAP. "A rushed process makes for bad policy."

The current Pit Rule was supported by suburban landowners, ranchers, and residents across New Mexico who have suffered water and soil contamination from unlined oil and gas waste pits and buried waste. The rule drew the ire of the oil and gas industry, which threatened to leave the state if the measure was passed. The industry has flip-flopped its position since May, 2008. It first claimed the rule was “industry friendly” and that companies could absorb the costs of complying with the new protections. (Bob Gallagher, New Mexico Business Weekly, May 2008). The industry now claims the Pit Rule is responsible for a host of problems including the state’s budget shortfall and low rig counts.

“The claim that low rig counts are related to the cost of complying with the current Pit Rule is false,” states Jantz. “The oil and gas industry is inherently volatile and revenue is directly related to market price. It has nothing to do with the cost of keeping New Mexico’s water and land clean.”

OGAP has long held that the industry will end up saving money in the long run by moving to closed-loop systems and avoiding pits altogether. This was supported by Petroleum Accountant Mary Ellen Denomy, who testified before the OCC in November 2007 during the Pit Rule hearing that companies using closed-loop systems saved 3% per well. Denomy also stated that companies were able to cut costs on construction, water, drilling muds and waste disposal when utilizing closed-loop systems.

“We were so pleased the OCC put in place a strong rule to protect the state’s water, land, and public health,” says Gwen Lachelt, Executive Director of OGAP. “Despite fierce opposition from the oil and gas industry, the OCC put in place a modern rule based on facts rather than politics. We hope that example of good government is not reversed.”

The groups urge the public to attend the OCC hearing on the Governor’s Pit Rule Amendment (details below) and call the Governor and urge him to direct the OCD to withdraw its petition.

## **For More Information**

### **HEARING DETAILS:**

#### **WHAT:**

OCC Hearing on the Governor’s Pit Rule Amendment with testimony from Oil & Gas Accountability Project (OGAP), New Mexico Citizens for Clean Air and Water, and New Mexico Environmental Law Center.

#### **WHEN:**

Thursday, April 2nd, 2009, 9 a.m.

#### **WHERE:**

Porter Hall, Wendell Chino Building, 1220 South St. Francis Drive, Santa Fe

**INTERVIEWS AND IMAGES ARE AVAILABLE UPON REQUEST**

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March 19, 2009

## ***Newest Toxics Release Inventory Conceals Toxic Threat to Drinking Water***

### ***TRI highlights need for regulation of nation's largest mercury polluter***

#### ***Metal mining maintains position as nation's #1 toxic polluter***

*Mar 19, Washington, D.C.* -- Today the Environmental Protection Agency published the most recent Toxics Release Inventory. Once again the nation's largest polluter is the metal mining industry: of 4.09 billion pounds of toxics reported, 1.15 billion pounds were released by mining -- more than 28% by just one industry.

Unfortunately, one of the most serious threats to our nation's drinking water supply is left unknown. Oil & gas producers do not have to report under the Emergency Planning and Community Right-to-Know Act (EPCRA), the legislation authorizing TRI.

"Due to increasing energy demand, drilling for oil & gas now occurs in 34 states including New York and Pennsylvania," said Jennifer Goldman, Public health and toxics director of EARTHWORKS' Oil & Gas Accountability Project. She continued, "communities nationwide are impacted, yet they're in the dark because drillers don't have to report the toxics they release."

"My community's drinking water is supplied by wells, some of which are now polluted by a gas well underground explosion," said Deb Thomas, a community organizer from Clark, Wyoming. She continued, "at least twenty-five wells are in the path of a toxic groundwater plume as a result. It's very challenging to address the contamination without any forewarning -- what TRI provides -- about the drilling toxics that we now know threaten our drinking water."

The power of the Toxics Release Inventory has revealed the extent of the threat of mercury mining pollution. According the TRI, metal mining accounted for 90% of all reported mercury releases, 6.22 million pounds.

Although the mining industry is a significant source of mercury air pollution, there are no federal regulations that require mines to reduce mercury air emissions. A recent court decision requires the EPA to initiate a rule-making by August 15, 2009.

"It makes no sense that the mining industry gets a pass, when there are federal regulations requiring the other major industries to cut emissions to deal with the nation's mercury problem," said Bonnie Gestring, EARTHWORKS' Northwest Circuit Rider.

### **For More Information**

- Jennifer Goldman, Public Health & Toxics Campaign Director, 406-587-4473
- Bonnie Gestring, Circuit Rider, 406-549-7361
- Deb Thomas, Clark, WY, 307-645-3236

February 12, 2009

## ***Groups Urge Obama to Stand Strong on Clean Energy in First International Visit***

### ***Canadian Government Wants Special Treatment for World's Dirtiest Oil***

**Washington, D.C.** - Today, an international network of environmental groups is launching a cross-border campaign urging President Barack Obama to stand strong on his new energy economy agenda and reject entreaties from Canadian Prime Minister Stephen Harper to shelter the dirtiest oil on earth from global warming regulation.

“Tar sands oil is the dirtiest form of energy in the world. It has no place in President Obama’s plans for a clean energy economy,” said Sierra Club Dirty Fuels Campaign Coordinator Pat Gallagher. “Tar sands oil accelerates global warming. It destroys forests. It endangers public health. Instead of importing this expensive, dirty oil, we can invest in clean energy that will create millions of much-needed, sustainable jobs.”

On February 19, President Obama travels to Canada on his first presidential visit abroad, where he will face pressure from the Government of Canada to support production of Alberta tar sands oil. Producing oil from tar sands emits three times the global warming pollution as conventional oil, requires excessive amounts of energy and fresh water, and destroys huge swaths of boreal forest.

Leading up to Obama’s visit, environmental groups will conduct a wide variety of outreach, including running newspaper ads, launching a new website, and asking Americans and Canadians to sign letters and petitions to Prime Minister Harper and President Obama. The campaign kicks off today with an ad in Roll Call, a prominent Capitol Hill newspaper in Washington D.C.

“The new energy economy means a green economy, and the tar sands just don’t fit,” said Dr. Rick Smith, Executive Director, Environmental Defence Canada. “Tar sands oil is dirty oil. We need to eliminate both the carbon emissions and the toxic pollution that is destroying the environment and harming human health.”

More information, including photos, B-roll video and other campaign materials are available on [obama2canada.org](http://obama2canada.org)

Obama2Canada Partners Include:

- Calumet Project
- Council of Canadians
- EARTHWORKS/OGAP
- Environmental Defence
- Forest Ethics
- Fresh Energy
- Global Community Monitor
- Greenpeace Canada
- Honor the Earth
- Indigenous Environmental Network
- Pembina

- Plains Justice
- Polaris Institute
- Oil Change
- RAN
- Sierra Club U.S.
- Sierra Club Canada

###

### **For More Information**

- Kristina Johnson, Sierra Club (415) 977-5619
- Jennifer Foulds, Environmental Defence Canada, (416) 323-9521 x 232
- Lisa McCrummen, Obama2Canada: (206)321-9461
- William Craven, Forest Ethics: (415) 407-3426
- [www.obama2canada.org](http://www.obama2canada.org)

December 12, 2008

## ***A New Generation of Regulation***

### **Colorado, New Mexico County Usher in New Generation of Oil & Gas Regulation**

*Durango, CO, December 12, 2008* - State and local governments in the Rocky Mountain region are demonstrating striking leadership in the regulation of oil and gas development. This week, Colorado finalized an overhaul of statewide oil and gas rules, and Santa Fe County, New Mexico, formally adopted a local oil and gas ordinance. Both sets of regulations usher in a new generation of oil and gas regulation in which state and county governments are beginning to focus on the toxicity of drilling products and greater protections for communities concerned with the industry's impact on public health, watersheds, private landowners, and overall land use.

As Colorado faces another record-setting year for the issuance of drilling permits, the state formally brought to a close an eighteen-month process to update and revise its oil and gas regulations. The regulatory overhaul was mandated when the Colorado Legislature reformed the mission and make-up of the Colorado Oil and Gas Conservation Commission (COGCC) in 2007. A Commission that had been oil and gas industry-dominated for decades now has a balance of representation from the industry, local government, public health, agriculture and wildlife sectors, with a mandate to protect public health and the environment in the course of oil and gas development.

On December 11th, the COGCC formally adopted rules that will require the oil and gas industry to consider threats to human health and wildlife at the time a company applies for a permit. The rules establish protection zones around streams situated in watersheds that provide drinking water supplies, require companies to tell state and emergency responders what chemicals they use in drilling operations, and allow state health and wildlife officials to formally consult on oil and gas development applications. "We should have been doing this from the start of this development, decades ago," said Dave Thomson, a landowner living with oil and gas wells in the San Juan Basin. "These protections represent critical steps towards identifying threats to our public health from nearby gas activity. For the first time in any state, an agency will require that the industry keep track of the chemicals it uses and be ready to identify them in the case of a spill or accident." The rules also require, as New Mexico has recently done, that an oil or gas well site be cleaned up to general health standards, once the industrial activity is completed.

Earlier in the week Santa Fe County adopted a local ordinance addressing oil and gas development. Oil and gas exploration proposals in the area's Galisteo Basin prompted both a state and a county moratorium on permits last January until Santa Fe County and the state could draft and pass appropriate protections. Gwen Lachelt, EARTHWORKS' Oil & Gas Accountability Project Director applauded Santa Fe County, its contractors and residents for developing regulations that will protect public health and the environment in the event oil and gas development occurs in the region. Santa Fe County's overall approach looks at regulation of oil and gas activity as simply one industrial land use among many land uses that the county has to consider. This equality of treatment sets this ordinance apart from most other county ordinances where oil and gas development has been treated as an exception to local land use regulations.

Additionally, the Santa Fe County ordinance requires that an oil and gas permit applicant consider potential impacts to water quality and quantity, and health impacts to communities. The ordinance

puts in place regulations on hydraulic fracturing by promoting the use of fresh water fracturing and the use of products and chemicals that have been approved by Santa Fe County. “Protecting our public health is paramount. The industry enjoys exemptions from our federal laws that are intended to protect drinking water, public health, the environment and communities from hazardous waste. It’s critical that local governments find local solutions to industry’s impacts and protecting our health,” stated Lachelt.

The industry practice of hydraulic fracturing, or stimulating oil and gas production with high-volume injections of sand, water and chemicals, was exempted from the Safe Drinking Water Act in 2005. The Oil & Gas Accountability Project and many other groups across the nation opposed the exemption and worked for years to bring to light water contamination incidents associated with the practice. In October, U.S. Representative Diana DeGette (D-CO) introduced federal legislation to remove the exemption for hydraulic fracturing. Lachelt said, “These state and local victories are noteworthy because this industry has managed to exempt itself from any real regulation for years. We applaud the efforts of these two western jurisdictions and look forward to other jurisdictions following suit.”

EARTHWORKS’ Oil & Gas Accountability Project was founded in 1999 to work with communities to prevent and reduce the impacts caused by oil and gas development. For nearly a decade, the organization has been instrumental in reforming oil and gas policies, protecting landowner rights and in bringing attention to the practice of hydraulic fracturing. EARTHWORKS has 80,000 members and offices in Durango, Bozeman and Washington, D.C.

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For more information on local oil and gas regulations, hydraulic fracturing and health issues:

- <http://www.earthworksaction.org/BestRegs.cfm>
- <http://www.earthworksaction.org/hydrfracking.cfm>
- <http://www.earthworksaction.org/Health%20and%20Toxics.cfm>

***EARTHWORKS’ Oil & Gas Accountability Project: Protecting communities from the destructive impacts of mining, digging and drilling***

## **For More Information**

### **FOR MORE INFORMATION:**

Gwen Lachelt, Director, EARTHWORKS’ s OGAP: 505-469-0380,  
Bruce Baizel, EARTHWORKS: 970-799-3552  
Jennifer Goldman, EARTHWORKS’ OGAP: 406-587-4473  
Dave Thomson, Colorado Landowner: 970-563-4666  
Tracy Dahl, Colorado Landowner, 719-859-4484  
Johnny Micou, Santa Fe County Landowner, 505-417-0924

October 28, 2008

## ***POLL: Protect Montana from obsolete mining law***

### **POLL: Protect Montanans from obsolete mining law**

*MISSOULA* - Montana voters strongly support protecting our land, water and wildlife from the obsolete 1872 Mining Law, according to a statewide survey released today.

Sportsmen and conservation groups released findings of a poll today that show overwhelming support for updating the federal 1872 Mining Law that governs hardrock mining on national forests and other federal public land.

The poll shows that:

- 93 percent support an update of the law to increase water protections.
- 81 percent support an update of the law to recover a royalty.
- 87 percent support an update of the law to better balance mining with other important land uses like hunting and fishing.
- 95 percent support an update of the law to compel the mining industry to help pay for the cleanup of abandoned mines and polluted waters.

“Montanans have a deep connection to the outdoors so it’s no surprise that the results from the poll overwhelmingly support reasonable reform,” said Land Tawney, Sportsmen United for Sensible Mining. “What is surprising is that mining on our public land is still governed by this frontier-era law.”

A bipartisan mining law reform bill, the “Hardrock Mining and Reclamation Act of 2007,” passed the U.S. House of Representatives in November. Montana Sen. Jon Tester became interested in reform when hearings were held in the Senate Energy and Natural Resources Committee. But, ultimately reform efforts stalled in the Senate.

“We were disappointed that mining law reform did not happen this past Congress, but look forward to the upcoming congress showing leadership and finally putting this old law to bed” said Tawney.

The 1872 Mining Law has long been criticized as obsolete. It was enacted under President Ulysses S. Grant, and it hasn’t been substantively changed.

The law allows mining companies to extract valuable minerals from public lands, with no royalty payment to the American people. The 1872 Mining Law gives precedence to mining over all other land uses, including drinking water supplies and fish and wildlife habitat, and it contains no environmental standards or reclamation criteria.

“It’s only fair that the mining industry pay a reasonable royalty to the U.S. taxpayer and share the burden of abandoned mine cleanup,” said Bonnie Gestring of Earthworks. She noted Montana has more than 2,000 miles of polluted streams and thousands of abandoned mines - many of which need cleanup so they do not pollute water or threaten public safety.

Millions in public funds are being spent to cleanup pollution at mines permitted under the 1872 Mining Law, including the Zortman Landusky, Beal Mountain, and Basin Creek mines.

Increased metal prices have triggered a dramatic increase in mining claims staked on public lands. Since 2003, the number of mining claims on public land in the West has increased by 62 percent, according to the Bureau of Land Management.

The poll, conducted by American Viewpoint, surveyed 600 very likely Montana voters from September 18th - 21st, 2008. It was commissioned by Sportsmen for Sensible Mining and Earthworks, and it has a margin of error of plus or minus four percent.

To download a copy of the poll, go to

<http://www.earthworksaction.org/publications.cfm?pubID=371>

For a fact sheet summarizing the provisions in the House Bill H.R. 2262, go to

[http://www.earthworksaction.org/pubs/EWfs\\_hr2262postvote.pdf](http://www.earthworksaction.org/pubs/EWfs_hr2262postvote.pdf).

### **For More Information**

Land Tawney, Sportsmen United for Sensible Mining, 406-721-6704

Bonnie Gestring, EARTHWORKS, 406-549-7361

October 17, 2008

## ***Protecting Our Drinking Water from Oil & Gas***

### **U.S. Representatives Introduce Legislation to Protect Drinking Water From Oil & Gas Development**

*Durango, Colorado, October 17* - Today EARTHWORKS' Oil and Gas Accountability Project (OGAP) announced its strong support for H. R. 7231, a bill to repeal the exemption for hydraulic fracturing in the Safe Drinking Water Act. The legislation was recently introduced by Congresswoman Diana DeGette (D-CO), Congressman John Salazar (D-CO), and Congressman Maurice Hinchey (D-NY). The Energy Policy Act of 2005 exempted hydraulic fracturing from the Safe Drinking Water Act. H.R. 7231 repeals this exemption while allowing flexibility and ensuring a federal minimum standard to prohibit endangerment of underground sources of drinking water.

“I believe in the responsible development of our natural gas resources,” said United States Representative John Salazar (D-CO). “However, the exemption for hydraulic fracturing under the Safe Water Drinking Act simply goes too far. Water is our most precious resource in the West and we must ensure it is protected from any possible contamination. This bill will ensure that our aquifers and water supplies have the protection they need,”

Hydraulic fracturing involves injecting fluids into an oil or gas well at extremely high pressure to crack open an underground formation and then prop open the new fractures in order to facilitate the flow of oil and gas out of the well. The fluids often contain highly toxic chemicals, and hydraulic fracturing is suspected of endangering drinking water in many places across the country. In Colorado, citizens and community groups fought for years prior to 2005 to prevent hydraulic fracturing from being exempted under the Safe Drinking Water Act and to ensure proper regulation of hydraulic fracturing. New Yorkers are now faced with massive drilling proposals in the Marcellus Shale and are working to protect water resources like the watershed for New York City in the Catskills.

“It is clear that we need responsible oil and gas drilling in appropriate areas,” said U.S. Representative Diana DeGette, Vice Chair of the House Committee on Energy and Commerce. “However, it should not come at the expense of our environment or public health. This common sense legislation will allow energy development to proceed, but require oil companies to abide by the Safe Drinking Water Act like everyone else. Protecting consumers and the environment must be paramount.”

U.S. Representative Maurice Hinchey (D-NY) stated, “It’s imperative that we safeguard our drinking water from any chemicals associated with gas and oil drilling. I understand the desire to expand gas and oil development across the country, but we must not rush into drilling without ensuring that our water supplies are protected from toxic chemicals associated with hydraulic fracturing. We must avoid a situation where a generation or less from now, people are shaking their heads and wondering how our government could have been so short-sighted and foolish to exempt hydraulic fracturing from the Safe Drinking Water Act. Congress must pass this bill to reverse the harmful provision in the Bush-administration sponsored Energy Policy Act of 2005 that created the hydraulic fracturing loophole. We have an obligation to protect all Americans from the potential of our precious drinking water becoming severely contaminated.”

The demand for these resources is high, especially as we go into winter. While federal policy should prioritize energy efficiency and renewable energy sources, natural gas plays an important role in our energy portfolio as we transition to a new energy future and away from dirty fossil fuels.

“Producing oil and gas should not and need not come at the expense of clean air, clean water, or human health,” said Wally White, La Plata County Commissioner, Colorado. “We support legislation that provides a minimum federal standard to protect our health and environment without unduly burdening industry or production.”

Gwen Lachelt, director of EARTHWORKS’ Oil & Gas Accountability Project stated, “Requiring the oil and gas industry to protect our drinking water is a reasonable standard by which we should develop our energy resources. Non-toxic fracturing alternatives are available and are currently being used offshore, and they can be less expensive and more effective.” Oil and gas production activities such as enhanced recovery and waste disposal are already regulated under the Safe Drinking Water Act.

Several other major environmental protection statutes contain loopholes for the oil and gas industry, including the Clean Air Act, Clean Water Act, and the Resource Conservation and Recovery Act.

“From California to New York and many places in between, communities near oil and gas operations are calling for basic protections for their health,” said Amy Mall, Senior Policy Analyst, NRDC.

EARTHWORKS’ Oil & Gas Accountability Project was founded in 1999 to work with communities to prevent and reduce the impacts caused by oil and gas development. For nearly a decade, the organization has been instrumental in bringing attention to the practice of hydraulic fracturing and developing policy to protect drinking water from toxic fracturing fluids. EARTHWORKS has 80,000 members and offices in Durango, Bozeman and Washington, D.C.

Natural Resources Defense Council contributed to this release.

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**For more information:**

Our Drinking Water at Risk report:

<http://www.earthworksaction.org/publications.cfm?pubID=90>

Drilling Down report:

<http://www.nrdc.org/land/use/down/contents.asp>

**Hydraulic fracturing facts and personal stories:**

- <http://www.earthworksaction.org/hydrfracking.cfm>
- <http://www.earthworksaction.org/cvPeggyHocutt.cfm>
- <http://www.earthworksaction.org/cvLauraAmos.cfm>

News release submitted by:

EARTHWORKS Oil & Gas Accountability Project

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<http://www.earthworksaction.org>  
<http://www.ogap.org>  
<http://www.nodirtyenergy.org>

*Protecting communities from the destructive impacts of mining, digging and drilling*

## **For More Information**

For Immediate Release: October 17, 2008

For More Information:

Gwen Lachelt, EARTHWORKS: 970-759-4387  
Bruce Baizel, EARTHWORKS: 970-799-3552  
Wally White, La Plata County Commissioner, Colorado: 970-749-3677  
Eric Wortman, U.S. Representative John Salazar, 202-225-4761  
Jeff Lieberman, U.S. Representative Maurice Hinchey, 202-225-6335  
Kristofer Eisenla, U.S. Representative Diana DeGette, 202-225-4431  
Amy Mall, Natural Resources Defense Council, 720-565-0188

May 14, 2008

***New No Dirty Energy campaign calls upon API to spend money on clean energy alternatives, not PR***

**As consumers pay \$4/gallon, American Petroleum Institute launches multi-million dollar image polishing campaign**

May 14, 2008 -- In a letter to the American Petroleum Institute (API), the environmental organization EARTHWORKS today called upon the API to stop its multi-million dollar, multi-year self-promotion campaign aimed at polishing its image during a time of record high energy prices. The letter calls upon API to aid American consumers by instead investing the PR campaign money in clean energy alternatives.

"[W]ith consumers paying close to \$4 a gallon, the public's tolerance will be low for what amounts to resources wasted on self-promotion. When API's largest member, ExxonMobil, invests nearly zero dollars in renewable energy, it isn't time for image polishing," wrote EARTHWORKS staff attorney Bruce Baizel. He proposed instead, "[t]he best public relations your industry could buy would be to take the funds you have earmarked for this campaign and spend them, starting today, to create and bring to market renewable, sustainable energy sources."

Baizel's letter is the opening salvo in EARTHWORKS' new No Dirty Energy campaign, which will formally launch later in 2008. Following in the steps of the successful No Dirty Gold campaign, the No Dirty Energy campaign's central goal is to alert the public to the climate, ecosystem and community risks associated with mining and burning the world's dirtiest fuel sources, such as the tar sands in Canada, and to foster solutions that are clean, safe and protect communities.

"The energy industry can't simply stick its head in the tar sands without a calculation of the impact on the climate and without a commitment to best practice" said Bruce Baizel of the No Dirty Energy campaign. "The price is simply too high for the climate."

"The No Dirty Energy campaign will harness consumer action to encourage corporate and government commitments to a pledge, and actions, to protect the climate and communities from these dirty sources," said Bruce Baizel. "While the No Dirty Energy campaign is committed to exposing irresponsible corporate behavior like this PR campaign, it will also spotlight responsible actors who simultaneously advance their corporate interest AND the public good," he continued.

###

**For More Information**

[Read EARTHWORKS' letter](#) to the American Petroleum Institute.

**Contacts:**

- Bruce Baizel, 970-799-3552

April 15, 2008

***While posting huge profits, new report shows oil, gas, mining companies pay a lower tax rate than the average Coloradan***

Durango, CO, 04/15: A new report shows that Colorado taxpayers are paying more in taxes than the oil and gas companies producing in the state -- even as these companies post enormous profits. Colorado taxpayers are paying 4.63% in tax, while the companies that are charging record prices at the pump and in our homes are paying 2% in combined state income and severance taxes. In 2007, British Petroleum, one of the major oil producers in Colorado, reported \$20 billion profits.

Governor Ritter's 2008 Colorado state budget proposal is only \$18 billion.

Gwen Lachelt, director of the Oil & Gas Accountability Project (OGAP), said, "this tax day, as Coloradans dig deep to pay for the services we all need, it borders on the criminal that multibillion dollar companies are paying a lower tax rate than those struggling with the increased gas prices charged by those same companies." She continued, "it's especially ridiculous when you consider that one company operating in Colorado -- British Petroleum -- declared more 2007 profits than the entire 2008 Colorado state budget proposal."

The report Mining Taxes in Ten Western States, prepared by Dr. Robert Ginsburg from the Center on Work and Community Development, analyzes state mining taxation around the west by applying five standard economic principles of fiscal extraction policy. Using these standards, the report finds current taxes in the ten states, Alaska, Arizona, Colorado, Montana, Nevada, New Mexico, North Dakota, South Dakota, Utah and Wyoming, are insufficient and in need of reform.

The five principles are:

- Be fair in assessing tax burden on companies and efficient in minimizing the impact on important production and investment decisions;
- Be responsive to growth in the industry;
- Generate stable and consistent revenues;
- Be transparent and accountable to reduce error and instill public confidence; and
- Generate sufficient revenue to compensate the state for any operational impacts and to allow the state to have sufficient revenue in reserve when the commodity is completely removed.

A core principle of mining taxation, as explained in the report, is the recognition that the taxation must recognize the one-time nature of the industry. Once the mineral has been removed, the industry will leave, leaving state and local governments with the increased needs of an economically bust community, as well as a loss of tax revenue. A fair tax system will utilize boom period revenues to prepare for this inevitable downturn. Such sovereign or permanent wealth funds are common in many oil, gas, and mining dependent countries. In the western United States, Alaska has such a fund for oil and gas revenue, but it does not apply to mining, and no other state has any such fund.

For More Information

[Mining Taxes in Ten Western States](#)

Gwen Lachelt, Oil & Gas Accountability Project, 970-759-4387

October 19, 2007

***Citizens' groups, ranchers, landowners urge state to protect water, public health and taxpayers with strong pit rule***

October 19, 2007 - New Mexico citizens' groups, ranching groups and landowners are urging state officials to prohibit pits on most oil and gas drilling sites and to require operators to dispose of contaminated pit waste at permitted waste facilities, rather than burying the waste on-site.

"It's time that the oil and gas industry takes responsibility to prevent pit pollution and dispose of their waste properly like everyone else," said Bruce Baizel, staff attorney for the Oil & Gas Accountability Project and Pit Rule Task Force member - a stakeholder group charged with developing a proposal for new oil and gas pit regulations.

The proposed rule was released September 21st by the Oil Conservation Division and can be accessed on the State's website. Opening statements will be taken by the Oil Conservation Commission on the new pit rule Monday, October 22nd at 9:00 am in Santa Fe in Porter Hall at 1220 S. St. Francis Drive. The hearing will then be recessed and reconvene on November 5, 2007.

Unlined or poorly lined oil and gas pits, and buried pit waste, have threatened New Mexico's water, soil, and residents for years. Between the mid-1980s and 2003, the New Mexico Environmental Bureau recorded nearly 7,000 cases of pits causing soil and water contamination. In 2005, the New Mexico Oil Conservation Division released data showing that close to 400 incidents of groundwater contamination had been documented from oil and gas pits. Most recently, as part of the Pit Rule Task Force process, the OCD released pit-sampling data that showed carcinogens present in all the samples and heavy metals in two-thirds of the pit samples. Citizen groups, ranchers and landowners from throughout New Mexico are concerned about water quality, community exposure to toxic chemicals, stock and wildlife deaths, and a broad range of issues facing those that live nearby to these oil and gas sites.

Chris Velasquez, a rancher from Blanco, has struggled with open pits that threaten livestock, grazing operations and wildlife. In 2001, Velasquez had twenty cattle walk into an unfenced pit.

"I've seen a lot of cattle die or abort from drinking out of these pits, and deer, too." Velasquez said. "Not only am I losing cattle, but the operators bury these pits once they're done. The contaminants sterilize the soil and move around with the rains. I definitely worry about the water and the wildlife."

"The proposed rule brings environmental, public health and taxpayer benefit to all New Mexicans by requiring closed loops systems rather than pits in some areas, banning unlined pits, and requiring surface owner consent before waste can be buried onsite," emphasized Baizel. "We need this stronger rule to prevent contamination and ensure that waste is disposed of properly. If the industry is allowed to leave hundreds of "mini-waste dumps" all over the state, it puts a burden on taxpayers to monitor them forever. No other industry gets to leave their waste for others to take care of and this rule prevents that."

Pit contamination has been a problem for the City of Lovington. Lovington's City Manager, Pat Wise, inherited a historical pit lying over the City's water supply on City property in 2002. Though

the bond for the site was released by the State in 1992, the pit was leaking and threatening the City's municipal water wells. "I got the OCD out here and eventually the State hauled the contamination away but it was at taxpayer expense," Wise said. "The City doesn't allow pits in our water field any more," he added, "It's simpler and in the big picture less expensive to protect our water by simply requiring closed loops." In 2003, the City of Lovington passed a local ordinance requiring closed loop systems on City property.

Despite record profits, New Mexico's oil and gas industry continues to resist the State and citizen's efforts to put rules in place that adequately protect people and water from oil and gas pollution. On-site burial of pit waste is expected to be among the most contentious issues at the official pit hearing on November 5th.

"The State has taken a leadership position in proposing best management technologies and practices such as closed loop system and surface owner consent before allowing on-site disposal of pit waste. However, there is a tremendous amount of pressure to continue to allow unrestricted on-site burial by industry," said Baizel. "The industry has already buried tens of thousands of pits across this state and there are nearly 50,000 active wells out there today. It's time to put a rule in place that works for everybody, not just the industry's pocketbook. "

###

### **For More Information**

Local Contacts to Discuss the Impacts of Pit Waste in Energy Development

[Jennifer Goldman](#), Oil and Gas Accountability Project, (406) 587-4473

Mike Eisenfeld, San Juan Citizens Alliance, (505) 360-8994

Bruce Baizel, Oil & Gas Accountability Project, (970)-259-3353

Chris Velasquez, Rancher, Blanco, New Mexico, (505) 320-0088

Mike Eisenfeld, Field Director, San Juan Citizens Alliance, (505) 360-8994

Pat Wise, Lovington City Manager, (505) 396-2884

For additional resources please visit:

<http://www.earthworksaction.org/newmexicopitwasteregulations07.cfm>

P.O. Box 1102 Durango, CO 81302 / P 970 259 3353 F 970 259 7514 / [WWW.OGAP.ORG](http://WWW.OGAP.ORG)

September 11, 2007

## ***Growing Coalition Calls on Shell: Don't Drill in Canadian Sacred Headwaters!***

### **Financial Times ad warns that coalbed methane exploration threatens communities and the environment**

**September 11** -- Following continued efforts by Royal Dutch Shell to push its plans to explore for coal bed methane in British Columbia's Sacred Headwaters, a growing international coalition published an ad in the Financial Times calling upon the world's second largest corporation to abandon the risky project. The coalition, which includes the Dogwood Initiative, EARTHWORKS, ForestEthics, Friends of the Earth, Greenpeace, and Sierra Club of Canada, is part of a diverse and growing opposition to Shell's attempt to develop one of the largest, intact predator-prey ecosystems in North America.

The ad follows a joint letter from the coalition members to Shell's Board Chair Jorma Ollila, and CEO Jeroen van der Veer, in which the groups requested that Royal Dutch Shell refrain from activity in the headwaters of the Stikine, Skeena and Nass Rivers.

"Coalbed methane is a risky industry that has left serious damage nearly everywhere it has been tried in North America," said Bruce Baizel, staff attorney at EARTHWORKS' Oil & Gas Accountability Project. He continued, "in British Columbia, coalbed methane is poorly regulated by an industry funded commission. There is no assurance that damage seen elsewhere in the U.S. and Canada would not occur here too."

Protecting the Sacred Headwaters is necessary because of the area's cultural and environmental significance. These three great salmon watersheds contribute more than \$110 million to the local economy, and provide important habitat for BC's largest population of woodland caribou.

The Klabona Keepers, Tahltan elders and families who occupy and use the area, have declared these traditional territories to be a Tribal Heritage Area. The Klabona Keepers Society has "asked the Province of British Columbia and [Royal Dutch Shell] not to proceed with development in this area" until a land stewardship plan can be developed, wrote Rhoda Quock, Spokesperson for the Klabona Keepers Society.

"The Sacred Headwaters is too significant to risk damage from CBM development," states Baizel, "so the ad calls on Royal Dutch Shell to do the responsible thing and refrain from activity in these watersheds."

### **For More Information**

#### **Contact:**

- Bruce Baizel, Oil & Gas Accountability Project/EARTHWORKS, 970-259-3353
- Shannon McPhail, Watershed Conservation Coalition, 250-842-2494

#### **Documents:**

- Read the Financial Times [advertisement](#).
- Read the coalition's [joint letter to Shell](#).
- Visit the Klaboona Keepers' Sacred Headwaters [website](#).

September 1, 2007

***National Precedent Set by Landowner Protection Bill Signed into Law by Colorado Governor Ritter Effective September 1, 2007***

*New statute will more responsibly balance landowner rights vs. oil & gas drilling.*

(Glenwood Springs, May 29) -- Today Colorado Governor Bill Ritter will sign House Bill 1252, precedent-setting legislation that is one of the most powerful state laws in the nation in terms of protecting landowners rights and the environment.

This is a brilliant piece of legislation that gives landowners a powerful tool to negotiate with companies and it requires industry to use state-of-the-art technologies to prevent and reduce damages, said Oil & Gas Accountability Project member Jim Fitzgerald, a rancher from Bayfield, CO. There is no other law in the nation that balances the rights of landowners to protect their land with the rights of industry to develop their oil and gas.

Representatives Ellen Roberts (R-Durango), Kathleen Curry (D-Gunnison) and Senator Jim Isgar (D-Hesperus) championed the precedent-setting legislation. The bill requires, for the first time, that oil and gas companies --

- \* Consider the rights of landowners;
- \* Minimize intrusion upon and damage to the land;
- \* Use alternative means of operation to prevent impacts;
- \* Failing to minimize their intrusion upon the surface give a landowner a cause of action (to bring a lawsuit); and
- \* Bear the burden of proof in any litigation !! not landowners !! when it comes to demonstrating their reasonable use of the surface.

According to prominent Denver oil and gas attorney Lance Astrella, landowners can now require directional drilling of multiple wells from one pad. This alone can reduce surface impact by 80% in areas like Colorado's northern Front Range, stated Astrella. In other areas where emissions from oil and gas operations are causing health concerns, landowners can also require operators to place adequate pollution controls on equipment, to use green fracturing procedures to protect soil and groundwater, and to use pitless/closed loop drilling systems.

Furthermore, HB 1252 is complimentary to the Governor's reform bill (HB 1341) because it deals with operational issues on a case-by-case basis and encourages negotiation between the landowner and operator, ultimately reducing disputes that can overburden courts and governmental agencies, said Astrella.

The Oil & Gas Accountability Project was founded in 1999 to work with communities to prevent and reduce the impacts caused by oil and gas development. OGAP was instrumental in writing HB 1252 and working with Representatives Roberts and Curry and Senator Isgar to promote its passage. OGAP, a program of EARTHWORKS, has 5,000 members and offices in Durango, Bozeman and Washington, D.C.

### **For More Information**

\* [Read](#) the OGAP brochure on the CO Surface Owner Protection Act

\* House Bill 07-1252: select HB 1252, select All Versions , click on 1252enr.pdf  
<http://www.leg.state.co.us/Clics/Clics2007A/csl.nsf/BillFoldersHouse?openFrameset>

\* Oil & Gas Accountability Project: [http://www.earthworksaction.org/oil\\_and\\_gas.cfm](http://www.earthworksaction.org/oil_and_gas.cfm)

\* Oil & Gas at Your Door? A Landowner's Guide to Oil and Gas Development:  
<http://www.earthworksaction.org/LOguidechapters.cfm>

### **Local Contacts**

\* Lance Astrella, Attorney, 303-292-9021

\* Representative Ellen Roberts, 970-247-2926

June 28, 2007

## ***New Mexico Passes Precedent-Setting Landowner Protection Act***

### **Takes Effect July 1st**

#### **New guide now available for landowners facing oil and gas drilling**

(Raton, June 27) - Members of the New Mexico Cattle Growers' Association (NMCGA) will celebrate the enactment of the nation's strongest landowner law at its Annual Mid-Year Meeting in Raton June 29. They will also release the Oil & Gas Accountability Project's "Landowner's Guide to the New Mexico Surface Owners' Protection Act" - a step-by-step handbook detailing what the law does for surface owners.

"This new law gives landowners a powerful tool to negotiate with oil and gas companies, so it should result in less conflict between operators and surface owners," said Bill Sauble, NMCGA President. "This law is the nation's most comprehensive landowner's rights bill in that it requires notification, surface use agreements and compensation." Sauble went on to state the new law requires that an oil or gas company reclaim -- or to substantially restore - the surface to the condition it existed prior to oil and gas operations.

The Surface Owners Protection Act (SOPA), passed by the New Mexico Legislature, and signed into law by Governor Bill Richardson in 2007, strengthens New Mexico law with precedent-setting provisions. Before this law, oil and gas companies were not required to:

- Notify landowners 30 days before drilling,
- Have a written agreement with a surface owner, nor
- Pay for the use of the land surface.

In 2005 the Oil & Gas Accountability Project, New Mexico Cattle Growers' Association, New Mexico Environmental Law Center and San Juan Citizens Alliance worked with Representative Andy Nuñez (D-Hatch) and Senator Cisco McSorley (D-Bernalillo) to draft and promote passage of this important law. In 2006 Governor Richardson put SOPA on his "Call" and has strongly supported the bill the last two years. Among other provisions, SOPA requires the oil and gas operator to:

- Describe the proposed operations so that the surface owner can evaluate the effects of the operations on his/her property; and,
- Propose a surface use and compensation agreement that addresses the timing, location and scope of operations and an offer of compensation.

"We produced the landowner's guide to explain in plain language how people can put this new law to work for them," said Gwen Lachelt, director of the Oil & Gas Accountability Project. The full color brochure details what the law does, what companies must compensate landowners for, how to negotiate with an oil and gas company and what landowners can do if they can't agree with a company. Copies of the landowner's guide are available at [www.ogap.org](http://www.ogap.org) or by calling any of the organizations listed above. SOPA goes into effect July 1.

OGAP was founded in 1999 to work with communities to prevent and reduce the impacts caused by oil and gas development. OGAP, a program of EARTHWORKS, has 5,000 members and offices in Durango, Bozeman and Washington, D.C. The organization has over 400 members in New Mexico. NMCGA was founded in 1914 and is a grassroots, membership based organization with some 20 committees addressing the issues that affect ranchers and private property owners. With members in 32 of the state's 33 counties as well as 14 other states, the Association represents cattle growers' and their supporters from the Roundhouse in Santa Fe to the halls of Congress and everywhere in between.

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## **For More Information**

### **Local Contacts**

- Representative Andy Nuñez, (505) 267-3451
- Eric Jantz, Attorney, New Mexico Environmental Law Center, (505) 989-9022
- Mike Eisenfield, San Juan Citizens Alliance, (505) 325-6724

### **For More Information**

- [Read](#) the Landowner's Guide to the New Mexico Surface Owners' Protection Act
- [View the text](#) of the New Mexico Surface Owners Protection Act (House Bill 827) (select "final version")
- Oil & Gas at Your Door? [A Landowner's Guide to Oil and Gas Development](#)
- Visit the official site of the [Oil & Gas Accountability Project](#)
- [New Mexico Cattle Growers' Association](#)
- [New Mexico Environmental Law Center](#)
- [San Juan Citizens Alliance](#)

May 29, 2007

## ***National Precedent Set by New Landowner Protection Law***

### **Bill signed into law by Colorado Governor Bill Ritter will more responsibly balance landowner rights vs. oil & gas drilling**

*(Glenwood Springs, May 29)* -- Today Colorado Governor Bill Ritter will sign House Bill 1252, precedent-setting legislation that is one of the most powerful state laws in the nation in terms of protecting landowners' right and the environment.

"This is a brilliant piece of legislation that gives landowners a powerful tool to negotiate with companies and it requires industry to use state-of-the-art technologies to prevent and reduce damages," said Oil & Gas Accountability Project member Jim Fitzgerald, a rancher from Bayfield, CO. "There is no other law in the nation that balances the rights of landowners to protect their land with the rights of industry to develop their oil and gas."

Representatives Ellen Roberts (R-Durango), Kathleen Curry (D-Gunnison) and Senator Jim Isgar (D-Hesperus) championed the precedent-setting legislation. The bill requires, for the first time, that oil and gas companies --

- Consider the rights of landowners;
- Minimize intrusion upon and damage to the land;
- Use alternative means of operation to prevent impacts;
- Failing to minimize their intrusion upon the surface give a landowner a cause of action (to bring a lawsuit); and
- Bear the burden of proof in any litigation - not landowners - when it comes to demonstrating their reasonable use of the surface.

According to prominent Denver oil and gas attorney Lance Astrella, landowners can now require directional drilling of multiple wells from one pad. "This alone can reduce surface impact by 80% in areas like Colorado's northern Front Range," stated Astrella. In other areas where emissions from oil and gas operations are causing health concerns, landowners can also require operators to place adequate pollution controls on equipment, to use "green" fracturing procedures to protect soil and groundwater, and to use pitless/closed loop drilling systems.

"Furthermore, HB 1252 is complimentary to the Governor's reform bill (HB 1341) because it deals with operational issues on a case-by-case basis and encourages negotiation between the landowner and operator, ultimately reducing disputes that can overburden courts and governmental agencies," said Astrella.

The Oil & Gas Accountability Project was founded in 1999 to work with communities to prevent and reduce the impacts caused by oil and gas development. OGAP was instrumental in writing HB 1252 and working with Representatives Roberts and Curry and Senator Isgar to promote its passage. OGAP, a program of EARTHWORKS, has 5,000 members and offices in Durango, Bozeman and Washington, D.C.

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## For More Information

### Local Contacts

- Jim Fitzgerald, OGAP member, 970-799-0706
- Lance Astrella, Attorney, 303-292-9021
- Representative Ellen Roberts, 970-247-2926

### For More Information

#### [Bill text](#)

Oil & Gas Accountability Project: [http://www.earthworksaction.org/oil\\_and\\_gas.cfm](http://www.earthworksaction.org/oil_and_gas.cfm)

Oil & Gas at Your Door? A Landowner's Guide to Oil and Gas Development:

<http://www.earthworksaction.org/LOGuidechapters.cfm>

November 1, 2007

### **Statement of Stephen D'Esposito, president of EARTHWORKS, on the passage of HR 2262, the Hardock Mining and Reclamation Act of 2007**

*November 1st, Washington, D.C.* -- "Today the U.S. Congress takes an important step towards updating one of the last remaining laws that gives away our public lands and minerals. The House voted 244 to 166 to modernize a law that is long past due for reform !! the 1872 Mining Law. Although the law was passed before women could vote and long before the advent of national environmental laws, it still governs mining for precious minerals !! such as gold, copper and uranium !! on public lands.

The Hardrock Mining and Reclamation Act of 2007, HR 2262, strives to ensure that mining on public lands takes place in a manner that protects crucial drinking water supplies and other natural resources, special places, taxpayers, fish and wildlife habitat, and the health and well being of our communities. I'd like to thank Chairmen Rahall and Costa for their commitment and leadership on this issue.

If this effort to reform the 1872 Mining Law is to succeed, leadership from the mining industry itself and from community and political leaders in western states is needed. Each of these states - from Washington to New Mexico - have been, and continue to be, adversely affected by this antiquated law and its lack of adequate protections for taxpayers and the environment.

EARTHWORKS looks forward to working with the mining industry leaders and Western Senators to craft a Senate bill that promotes beneficial environmental practices, balanced public land use policy and a fair return to taxpayers."

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For more information about the 1872 Mining Law and the effort to reform it, please contact Lauren Pagel, Policy Director, EARTHWORKS at 202-887-1872x207. Or visit [www.miningreform.org](http://www.miningreform.org)

December 13, 2006

## ***Valle Vidal Protection Act Becomes Law***

### *President Signs Landmark Legislation*

December 13, Taos, NM - After an intense and hard-fought three-year battle, President Bush signed Representative Tom Udall's Valle Vidal Protection Act of 2005 into law yesterday. The new law will permanently protect the Valle Vidal, one of New Mexico's greatest natural treasures, by withdrawing the area from mineral leasing.

"The Valle Vidal Protection Act is a great step towards New Mexico's clean energy future, said Representative Tom Udall, the bill's sponsor. "Responsible management of our energy resources means that some places, such as the Valle Vidal, are simply off limits to development."

Udall authored and introduced the Valle Vidal Protection Act in late 2005. He worked aggressively to secure the support of the New Mexico delegation and, ultimately, the entire 109th Congress. The bill passed both the Senate and the House unanimously.

"Santa Claus came early this year," said Taos County Commissioner Charlie Gonzales. "This is a huge victory for the citizens of New Mexico. New Mexicans are demanding a clean energy future, an oil and gas industry that acts responsibly and clean air, water and a healthy economy," he continued.

The Valle Vidal (Spanish for "Valley of Life") is a lush mountain basin in the heart of the Sangre de Cristo Mountains in northern New Mexico. A majestic landscape of breathtaking vistas and abundant wildlife, it is often referred to as "New Mexico's Yellowstone." However, the Valle Vidal was also threatened by the prospect of highly-intrusive coalbed methane development from El Paso Corporation of Houston, Texas, which petitioned the Forest Service to open the area to drilling in June of 2002.

El Paso Corporation, initially receiving a lukewarm reception from the Forest Service, solicited help from the White House Task Force for Energy Project Streamlining in 2003. Soon thereafter, the Carson Nation Forest set in motion a decision-making process to decide whether to lease the area for oil and gas development - a process that most often leads to the actual sale of lease rights. Ranchers, sportsmen, and community activists consequently joined with local businesses and conservationists to protect the Valle Vidal from mineral exploitation.

"This victory was imperative to me," exclaimed Jared Chatterly, founder and executive director of the American Outdoor Academy, a nonprofit with headquarters in Cimarron, New Mexico. "With its nearly intact ecosystem and proximity to several metropolitan areas, the Valle Vidal serves as an ideal outdoor classroom where students on week-long expeditions can learn environmental stewardship and outdoor recreation skills. The Valle Vidal is also a place that is personally important to me. It is where I got engaged to my wife and our kids went on their first camping trip; it has a lot of sentimental value. Protecting this treasure will not only preserve a beautiful piece of our National Forest for outdoor enthusiasts, but it will also strengthen Cimarron's economy by generating tourist dollars from visitors to the area. It is good to see the democratic process work and our elected officials respond positively to the desires of their constituents."

“Once those drilling companies get in there, they push the people out. We couldn’t have that,” Gonzalez said. “The Valle Vidal is a vital part of our lifestyle and a vital part of the sustainable, protected public-lands economy we depend on.”

By 2005, the Coalition for the Valle Vidal had grown to represent more than 400 organizations, including seventeen local governments and three chambers of commerce and the Coalition began working with Rep. Udall. The Coalition found a willing champion.

“Protecting unique areas is part of a responsible energy policy,” Udall said.

“Today’s action gives the Valle Vidal the protection it has long deserved,” said Governor Bill Richardson. “I would like to thank Senator Bingaman and Congressman Udall for their tremendous leadership on this issue. This legislation is a victory for the Valle Vidal’s worldclass trout streams, its trophy elk herd and all the hunters, anglers and outdoors-people that enjoy this pristine area.”

Udall hinted at what is to come. “I will continue to work towards the protection other unique western lands,” he said.

“This is a beautiful victory,” concluded Gonzales. “I’m proud of my community for standing up for what’s right. The Valle Vidal is now protected.”

## **For More Information**

Public Law 109-385 (the Valle Vidal Protection Act): <http://tinyurl.com/yjaszc>  
(NOTE: this link will not work until the Government Printing Office uploads the final law text)  
Coalition for the Valle Vidal: <http://www.vallevidal.org/>

## **CONTACTS:**

Jim O’Donnell, Coalition for the Valle Vidal, 505-779-1181  
Jared Chatterly, American Outdoor Academy, Cimarron, 505.376.1001  
Charlie Gonzales, Taos County Commission, 505.770.8231  
Marissa Padilla, Press Secretary, Office of U.S. Rep. Tom Udall (N.M.-3), 202.225.1213  
Jon Goldstein, Spokesman, Governor Bill Richardson, 505.476.2248

June 29, 2006

## ***Colorado Citizens Groups Seek Disclosure, Monitoring Of Toxic Chemicals By Drilling Companies***

Five Colorado citizens groups are asking state officials to require energy companies to fully disclose the toxic chemicals they use when drilling for natural gas and to require monitoring and enforcement to protect human health and the state's air, land and water.

“Chemicals with known human toxicity are being used by the oil and gas industry in Colorado,” [the groups state in a letter](#) to the directors of four state agencies. “No disclosure of these chemicals is currently being required, either by rule or practice. These chemicals are frequently being released to the environment, with unknown impacts on human health.”

With oil and gas development continuing to boom over many parts of Colorado and the region, nearby residents and communities are increasingly impacted by the industry's chemicals and waste products. But neither state nor federal laws require energy companies to adequately disclose what chemicals are in the industrial products they are using, in what combination and how much they inject into formations. And companies are not required to adequately monitor to determine whether the chemicals escape into wells, streams, springs and the air.

Hydraulic fracturing treatments use from 50,000 to 350,000 gallons of fluids containing chemical mixtures that are forced under high pressure to fracture gas-producing formations. Only a portion of the mixture is recovered and stored in open waste pits for reuse or until they evaporate or are hauled away. The rest remain underground.

“For municipalities such as Silt, it's difficult to take steps to protect our residents from oil and gas chemicals if we don't know what they are or whether or not they are entering the environment,” said Rick Aluise, the Silt town manager. “We need chemical disclosure and monitoring so that we can determine if these chemicals have entered our water supply.”

As manager of the Upper Surface Creek Domestic Water Users Association on the south side of the Grand Mesa, Dan Hawkins has formal responsibility for assuring the water provided to local residents is free of hazardous chemicals and compounds.

“There are legal penalties if we fail to meet our specific responsibilities,” Hawkins said. “I want the same accountability for an industry that potentially could put harmful chemicals into our water supply. But we don't even know what baseline chemicals to test for because drilling companies don't have to provide that information.”

Local landowners already suffer the consequences of the widespread use of chemicals in oil and gas development that can affect their air and water quality.

“When a well was being drilled near my house, the fumes were so strong that I passed out,” said Garfield County landowner Dee Hoffmeister. “I was forced to move out of my house for eight months while they finished drilling and completing that well.”

In La Plata County, ranch manager Chester Anderson watched as drilling fluids were spilled from a drilling site and flow into the Pine River just 40 yards away.

“I called state agencies, but they simply treated me as a nuisance and none of my concerns were taken seriously,” Anderson said. “As a result of agency inaction, the spill not only contaminated our pasture land, it also ended up in the river.”

La Plata County resident Dave Thomson felt an even more direct impact.

“My water started tasting bad last fall when a gas well was being drilled near my property,” Thomson said. “But the gas well company and COGCC sampled my water and eventually concluded that drilling fluids had contaminated my well. “ When the concentrations of some of the chemicals finally declined I was told it was safe to drink the water,” Thomson said. “Only after I started drinking my water did I find out that the company was not required to test for all of the toxic chemicals that it used during the drilling process,” Thomson recalled. “I have no ideas, now, whether I have been drinking contaminated water.”

The following are just a few examples of the chemicals that natural gas drillers are injecting into Colorado formations:

- **2-BE (2-butoxyethanol; ethylene glycol monobutyl ether)** -- linked to liver cancer, testicular degeneration, reproductive problems, and blood disorders that include destruction of red blood cells causing bloody urine;
- **2MBT (2-mercaptobenzothiazole)** -- linked to pituitary and adrenal cancer, fetotoxicity, reproductive impairment, and associated with various tumors and mutations;
- **2-(2-methoxyethoxy) ethanol, diethylene glycol monomethyl ether** -- suspected carcinogen, known to cause fetal deformities and organ malformations, and reduced male fertility;
- **Nonylphenols (ethoxylated nonylphenol)** -- estrogenic-like activity, interferes with male development and reproductive ability, impedes brain development, and causes atrophy of the thymus, a critical component of the immune system. The effects on invertebrates and fish in aquatic systems at extremely low concentrations of the nonylphenols has led to their ban in several European countries.

“Without regulators requiring oil and gas companies to disclose the complete make-up and volumes of chemicals in the products they use, a realistic evaluation of their immediate and long-term effects on health and the environment cannot be made,” said Theo Colborn, a University of Florida professor and Colorado resident who has studied the impacts of industrial chemicals used to develop natural gas.

“These chemicals attack the nervous system, the skin, the blood and reproductive organs and can have delayed and long term health impacts as well, including cancer,” Colborn explained.

Colborn, president of TEDX, Inc., also found that because a large number of volatile products with serious health effects are used during the early stages of natural gas development, when the chemicals are returned to the surface and stored in open pits, they pose a risk to human health that has been previously overlooked.

“With thousands of new gas wells planned in Colorado and the West over the next decade, we need to be sure that basic protections are in place to assure that human health and the air, water and land that sustain us are protected,” said Lisa Sumi, research director with the Oil and Gas Accountability Project. “Coloradans and all Westerners should not be used as guinea pigs in what could amount to a massive, uncontrolled experiment on how these toxic chemicals affect the health and lives of the people of this state. Communities that are near drilling operations have the right to know what they are being exposed to.”

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## **For More Information**

### **Contacts:**

[Lisa Sumi, OGAP](#), 970-769-2653

Matt Sura, WCC, 970-256-7650

[Read a copy of the letter](#) from Colorado citizens groups to state officials.

### **Local Contacts to Discuss the Impacts of Chemicals Used in Energy Development**

- Dave Thomson, La Plata County livestock grower, (970) 563-4666
- Chester Anderson, La Plata County ranch manager, (970) 759-8544
- Dee Hoffmeister, Garfield County landowner, (970) 309-0734
- Dan Hawkins, Manager, Upper Surface Creek Domestic Water Users Association, (970) 856-7199
- Rick Aluise, Silt Town Manager, (970) 876-2353
- Theo Colborn, President, The Endocrine Disruption Exchange, (TEDX) Inc. (970) 527-6548
- Peggy Utesch, Garfield County landowner, Grand Valley Citizens' Alliance member (970) 984-3107
- Peggy Baxter, Delta County landowner, Western Slope Environmental Resource Council member (970) 856-6225
- Josh Joswick, San Juan Citizens Alliance, (970) 259-3583

March 10, 2006

## Interior Secretary Gale Norton Resigns

### **EARTHWORKS statement regarding the resignation of Interior Secretary Gale Norton:**

Gale Norton leaves a legacy of unprecedented kowtowing to extractive industries at the expense of the public interest. Among her actions on behalf of the mining industry she:

- eviscerated environmental mining regulations that protected the public and public waters from destructive mining practices;
- issued a legal opinion that effectively legalized unlimited toxic mine waste dumping on public lands;
- set a horrible precedent in permitting a gold mine that will pollute surface and groundwater for tens of thousands of years.

"Gale Norton's report card for her tenure as Interior Secretary is as follows: F" said Lauren Pagel, Legislative Representative for EARTHWORKS. "And her so-called "Four 'Cs' were all about conspiring and colluding with campaign contributors -- while excluding the public interest," she continued.

"The resignation of Secretary Norton raises a question about the public-lands legacy of the Bush Administration," said Stephen D'Esposito, president of EARTHWORKS. He continued, "with few exceptions Republicans and Democrats have added to that legacy through building and strengthening our National Park system, designating monuments, and protecting special places and ecosystems--and balancing conservation with responsible natural resource development. Perhaps the appointment of the next Interior Secretary should be made with this in mind."

\* \* \*

### **For More Information**

Contacts:

- Lauren Pagel, (202) 887-1872x207)
- Stephen D'Esposito, (202-887-1872x203)

September 23, 2005

## ***Congressional Proposal Would Allow Mining Companies to Purchase Public Land Without Restriction***

FOR IMMEDIATE RELEASE: 9/23/2005

Washington, DC - House Resources Committee Chairman Richard Pombo (R-CA) has written draft legislation for the budget reconciliation bill that would alter the 1872 Mining Law and repeal a 10-year moratorium on the selling of public land to multi-national mining companies. Congress plans to start the budget reconciliation process this month.

If the patent moratorium is repealed, treasured places throughout the West could be permanently removed from America's system of public lands. As a result, those Americans who hunt, fish, hike, and recreate in these areas will be permanently denied the access they currently enjoy. The fate of rivers and streams running through these lands, providing water for agriculture and municipalities, will be left largely to mining companies to determine, as will the health of wildlife and game habitat.

Under the antiquated 1872 Mining Law, mining companies can patent "buy" public land for \$2.50 or \$5 an acre. Since 1994, there has been a moratorium on this practice, passed in the Interior Appropriations bill each year. Under Congressman Pombo's proposal, mining companies would once again be able to buy public land, albeit for \$1,000 an acre - still far below the true value of the mineral-rich land.

"No one should be fooled by Mr. Pombo's smoke and mirrors Mining Law 'reform,'" said Lauren Pagel, Legislative Coordinator at EARTHWORKS. "It's nothing more than a \$1000/acre 'Trojan horse' designed to dupe Congress into giving away public access to America's special places."

By almost any measure - certainly in today's real estate market - patenting represents the stealing of a portion of the country's western heritage. And to make matters worse, the proposal would severely limit the government's ability to reject these giveaways. In fact, Pombo's proposal weakens discovery requirements that must be met before a patent is issued, enshrines a mining company's "right to mine" regardless of whether or not they have a valuable mineral deposit and wipes out the ability of concerned citizens to challenge mining company patents.

The 1872 Mining Law needs to be reformed - but not in a way that gives the mining industry the ability to purchase public lands and codifies their right to mine regardless of other essential and cherished land uses. Real and meaningful reform of the 1872 Mining Law would:

- Preserve communities and special places by repealing the preferential treatment mining receives over all other commercial, recreational and conservation uses on public lands;
- Protect water resources and the environment by preventing mining pollution;
- Require fair payment to taxpayers for publicly owned minerals - similar to what other extractive industries pay; and
- Eliminate the giveaways of billions of dollars in mineral-bearing public lands for private profit.

## **For More Information**

Contact:

- Lauren Pagel, EARTHWORKS, 202-887-1872 x207

June 22, 2005

### ***Corps Permit Undermine Clean Water Act***

#### **Gold Mine to Dump Mine Waste in Pristine Alaskan Lake**

FOR IMMEDIATE RELEASE: 06/22/2005

Juneau, Alaska - The Army Corps of Engineers (Corps) today issued a precedent-setting permit that will allow a mining company to dump 4.5 million tons of chemically-processed mine waste directly into Lower Slate Lake on the Tongass National Forest, effectively turning the freshwater lake into a dead zone. The permit clears the way for final approval of Coeur Alaska's proposed Kensington gold mine, whose facilities would stretch across the Berners Bay watershed, which is home to sea lions, humpback whales, four species of wild salmon, bald eagles, brown and black bears, and moose.

"Today's decision is the first time since the Clean Water Act became law that the federal government will allow mine waste to be dumped directly into a freshwater lake," said Bonnie Gestring, field staff for EARTHWORKS. "This decision blatantly contradicts the Clean Water Act's fundamental purpose, which is to prevent America's lakes, streams, and rivers from being turned into toxic waste dumps."

The permit decision follows a highly controversial rule change by the Corps and the Environmental Protection Agency (EPA) in 2002 that redefined "fill" material under the Clean Water Act to include waste rock and chemically-processed mine waste called "tailings." National attention has focused on the impacts [k1]of that rule change on streams harmed by the practice of mountain top removal from coal-mining operations in the Appalachians. Today's decision is the first time the new definition is applied to metal mining.

"Instead of protecting Alaska's clean water, the Corps is sacrificing it for the profits of a mining company," said Kat Hall, a representative of the Southeast Alaska Conservation Council (SEACC). "It's like the 1950s. We're going backwards."

Coeur already had approval to build a conventional tailings disposal facility, but the company applied for a permit to dump tailings directly into the lake as a cost-cutting measure.

###

For More Information

Print-ready photos:

[http://media.earthworksaction.org/objects/view.acs?object\\_id=4784](http://media.earthworksaction.org/objects/view.acs?object_id=4784)

Contacts:

Kat Hall, SEACC, 907-586-6942, or

Bonnie Gestring, EARTHWORKS, 406-549-7361

April 13, 2005

## ***EPA Whistleblower, Experts Issue Warning on Hydraulic Fracturing***

### **Drinking Water Threatened by Oil & Gas Production Technique**

APRIL 13, 2005 - A widely-used oil and gas production technique is threatening drinking water supplies in many states and should be regulated to protect human health and property values, a panel of experts said today.

During a national teleconference discussion on “hydraulic fracturing” (also known as “fracking”), an Environmental Protection Agency whistle-blower joined municipal water managers, geochemists and private landowners from across the country in calling on Congress and the EPA to protect drinking water supplies from fracking. The technique has impacted drinking water supplies in at least three states.

“The EPA has a responsibility to protect drinking water supplies from avoidable contamination,” said Weston Wilson, a senior EPA engineer in Denver. “EPA has not provided ample evidence to prove that fracking does not affect drinking water supplies.”

Hydraulic fracturing, a drilling technique used in 90 percent of oil and gas wells, involves the injection of fluids into oil and gas wells at high pressure. The fluids break up rock formations that contain oil and gas, allowing the minerals to flow to the surface. The fluids sometimes include hazardous chemicals, some of which remain in the ground.

In a letter to Colorado’s Congressional delegation last year, Wilson wrote that EPA knew that fracturing fluids contained toxic components, suggesting that drinking water could be at risk.

[A report released today](#) by the Oil and Gas Accountability Project (OGAP), an industry watchdog group, catalogues the information EPA left out of its study. “EPA had information showing that numerous chemicals are injected at concentrations that threaten human health, but they chose to leave that information out of their final study,” said Lisa Sumi, Research Director with OGAP. “Sound science means including all the data so others can examine your conclusions. EPA can not pick and chose data that supports a politically-driven conclusion.”

“Americans rely on the EPA to protect their drinking water from contamination,” said Dr. Theo Colborn, a specialist in environmental health issues and director of the Endocrine Disruption Exchange, a public health advocacy group. “Because of the hazards posed by fracking, EPA has a moral obligation to regulate that activity to protect human health and drinking water.”

###

## For More Information

More information about [hydraulic fracturing](#)

For additional contacts in states where fracking has impacted water supplies, contact Lisa Sumi, 970-259-3353, or Matthew Lewis, 415-561-2325.

Copies of the OGAP report can be downloaded at:  
[http://www.earthworksaction.org/oil\\_and\\_gas.cfm](http://www.earthworksaction.org/oil_and_gas.cfm)

May 10, 2004

### *Public Lands Giveaway Revealed by New Website*

For immediate release: May 10, 2004

#### GIVEAWAY OF PUBLIC LANDS IN U.S. WEST TO MULTINATIONAL MINING INDUSTRY REVEALED BY NEW, INVESTIGATIVE WEBSITE

“Who Owns the West?” Website Shows How Outdated Federal Law Continues To Threaten Western Public Lands and Surrounding Communities

Washington, DC - On the 132nd anniversary of the signing of the 1872 Mining Law, the Environmental Working Group (EWG) has released a new investigative website, [Who Owns the West?](#) detailing widespread mining industry control of public lands. The interactive website reveals that one out of every 11 acres of public land is open to the multinational mining industry. It also sheds new light on a massive taxpayer rip-off and giveaway of millions of acres of public lands to private corporations and individuals for rock-bottom prices - in some cases as little as 84 cents an acre.

“This investigation is the first comprehensive look at who has profited from the giveaway of public lands and minerals in the western United States,” said Stephen D’Esposito, President of EARTHWORKS. “These companies have been using the 1872 Mining Law to con taxpayers and destroy public lands for 132 years. It’s time for a change.”

These giveaways are made possible by the antiquated 1872 Mining Law, which has not been reformed since it was signed into law by President Ulysses S. Grant. In addition to enabling the mining industry to purchase public land for less than the price of a hamburger, the 1872 Mining Law also gives mining preferential treatment over all other lands uses and allows the mining industry to pollute western lands and waters with billions of pounds of toxic waste each year. Mining poses serious threats to lakes, rivers, streams and drinking water in the west, yet the 1872 Mining Law contains no provisions to protect these natural resources. The Environmental

Protection Agency (EPA) rates hardrock mining as the nation's top toxic polluter -- based on pollution levels reported by the industry itself.

“Irresponsible mining practices have already left 500,000 abandoned mines throughout the west, as well as over 50 Superfund sites,” said D’Esposito. “Meaningful reform of the 1872 Mining Law is the only way to protect western communities, ensure responsible mining, and prevent mines in inappropriate places.”

The [Who Owns the West?](#) website also reveals that 20 percent of public lands given to the mining industry under the [1872 Mining Law](#) are given to foreign corporations. Neither foreign nor national corporations pay any royalties to the taxpayer for the valuable minerals they extract. And the industry returns less of its sales revenue to the taxpayer than any other industry operating on public land.

In addition, the website demonstrates that hundreds of thousands of acres of undamaged public lands in the west are currently threatened by mining. “This website is a powerful tool for western communities,” said D’Esposito. “For the first time ever, they can discover the threats from future mining projects in their own backyards.”

In order to reform the 1872 Mining Law, end the subsidies and rip-offs detailed in the “Who Owns the West?” website, and protect the West from the negative impacts of mining, Representatives Nick Rahall (D-WV), Christopher Shays (R-CT), and Jay Inslee (D-WA) have introduced H.R. 2141, the [Mineral Exploration and Development Act of 2003](#).

---END---

### **For More Information**

Allen Rosenfeld, 538-587-3435

Lauren Pagel, 202-887-1872x207

For more information on the impacts of hardrock mining in the American West and the need to reform the 1872 Mining Law, please visit <http://www.bettermines.org/>.

March 1, 2004

## ***Mineral Policy Center Becomes EARTHWORKS***

Washington, DC -- Today Mineral Policy Center announced that it has changed its name to EARTHWORKS ([www.earthworkSACTION.org](http://www.earthworkSACTION.org)).

EARTHWORKS is designed to understand and offer solutions to the growing threats to the earth's natural resources, biodiversity, special places, and communities -- and to bring our messages to a broader public.

“Our new name clarifies who we are and what we stand for--clean water, healthy communities, responsible mining, and corporate accountability,” says Stephen D’Esposito, President and CEO of the newly named organization. “We’re working for solutions that protect the environment and communities.”

The structure of EARTHWORKS will foster new partnerships. Already, EARTHWORKS has formed a strategic partnership with a group of leading natural resource scientists and engineers at the Center for Science in Public Participation (<http://www.csp2.org/>).

This name change also reflects an expansion in organizational scope. Last month, Earthworks launched the “No Dirty Gold” campaign (<http://www.nodirtygold.org/>) with Oxfam America. The campaign seeks to educate and engage consumers, engage retailers, investors, and insurers. EARTHWORKS will also work to promote the recycling and re-use of metals.

Mineral Policy Center will still exist as a unit for research and policy work - allowing EARTHWORKS to draw from the strength of Mineral Policy Center’s expertise and dogged advocacy and build upon Mineral Policy Center’s history and assets while adding new strengths and alliances.

“With the Valentine’s Day launch of our new “No Dirty Gold” campaign we have already begun the transition to our new name and the reaction we’re getting is very, very positive,” remarks D’Esposito. “People like the new name and they like that it conveys that we have an environmental agenda and are pragmatic and solutions-oriented.”

EARTHWORKS will continue to focus on communities and to seek solutions that will have the most positive community and conservation impacts and those that set national and international precedents.

### **For More Information**

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