

Fouled water leads to court

DURANGO, Colo. - After years of futile public hearings, letter-writing and media campaigns, residents of La Plata County in southwestern Colorado have turned to lawsuits and civil disobedience to protect themselves from the impacts of an oil and gas boom.

Since 1980, the year Congress approved lucrative tax credits for coalbed methane gas production, U.S. energy firms have drilled over 1,000 wells into coal seams south of Durango looking for pockets of trapped methane gas.

The wells are scattered throughout the Animas and San Juan river basins across a checkerboard of public and private land. While the wells have generated profits for oil companies, they have also brought pumpjacks, pipelines, compressor stations, and gravel transport roads to the residents of mostly rural La Plata County - sometimes right to their backyards (HCN, 12/4/89).

But what continues to unite residents there and in neighboring New Mexico counties are accounts of foul-tasting well water, flaming pitchers of lemonade and exploding kitchen pipes. For years, residents on both sides of the border have asked the Bureau of Land Management, the Forest Service and the Colorado Oil and Gas Commission for tougher regulations, arguing that gas production is polluting their wells and drinking water. So far the agencies have refused to slow the boom.

Recently, the growing coalition of residents and environmentalists found an ally in a U.S. Geological Survey draft report released earlier this year. In a two-year study, USGS scientists found methane gas in one-third of water wells inspected and concluded that oil and gas drilling is the main source of contamination of the shallow aquifers in the Animas River Valley.

Western Colorado Congress president Jerry Swingle says the report shows that "the industry isn't anywhere near as competent in preventing that kind of contamination as they have led everyone -including regulators - to believe."

Based in part on the USGS report, lawyers representing hundreds of area residents filed a class-action lawsuit Feb. 11 charging four oil companies - Amoco Production Company, Meridian Oil Inc., Southland Royalty Company, and Phillips Petroleum - with recklessness and deliberate disregard for the safety of local residents. The suit says the four oil companies ignored their tests, which showed that methane from their deep wells was polluting shallow aquifers, and asks for both actual and punitive damages. A victory

could result in strict new controls on oil and gas drilling, well maintenance and groundwater monitoring.

"You're not looking at a bunch of hippies who live out in the wilderness or Earth First!ers who have come in to file this lawsuit," says Chris Shuey, a water resources specialist who acted as a technical consultant for the residents. "These are people who have lived there for generations and some of them work or have worked in industries associated with the oil and gas industry. I think they felt litigation was the last avenue available to them."

However, both the oil companies and the BLM, which regulates oil and gas drilling on public lands, say they think the methane migrates into upper aquifers naturally through cracks and fissures underground.

They say the USGS report is a product of bad science and bias. "We are somewhat disturbed," the BLM responded in written comments, "that several apparent contradictions are present and many conclusions are drawn based on what could arguably be characterized as inconclusive data."

"We are also concerned that, to a certain degree, the tone of the document seems to lack objectivity," said the agency's district manager, Sally Wisely, in a letter.

The USGS, which was hired in a 1989 compromise among the various parties to the dispute as a neutral investigator, stands by its research. "I find (the BLM's comments) really peculiar," says USGS district director David Lystrom. "We're both Department of Interior agencies. What axe are they grinding?" Lystrom says his agency stands by its report, and will issue a final document within a year.

Local residents and environmental groups say the BLM's reaction reflects a long-standing refusal to trust evidence linking rising numbers of methane-contaminated private wells with the gas boom.

Residents have also battled with the U.S. Forest Service, most recently over the agency's decision to allow Amoco to drill 15 wells on environmentally sensitive lands in the HD Mountains on the eastern edge of La Plata County.

Last September, the Forest Service closed the drilling area to the public after Western Colorado Congress and the San Juan Citizens Alliance blockaded and shut down Amoco's drill rigs. After a second protest, which drew 80 people, the Forest Service charged eight people with criminal trespass.

In a January trial, two women, including a San Juan Alliance organizer, were found guilty and fined \$250. However, Judge Edward Schlatter said he was troubled by the verdict. Protesters had intended the rally to be peaceful and legal at all times and, he believed, did not know they were across the closure line.

"The Forest Service acted as a publicly financed security force for Amoco," says Western Colorado Congress' Swingle. "The decision to prosecute was motivated not by justice, but was intended as punishment, intimidation and a clear message to all citizens that dissidents will not be tolerated."

For more information, contact the BLM/Forest Service offices at 701 Camino Del Rio, Durango, CO 81301 (303/247-4082); or the Western Colorado Congress and San Juan Citizens Alliance at 820 E. 7th St., Suite B, Durango CO 81302 (303/259-3583).

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