Lawyers Want Water for Town's Tainted Wells

MICHAEL RUBINKAM,Associated Press

SCRANTON, Pa. (AP) — A law firm has demanded that Pennsylvania environmental regulators force a natural-gas driller to continue delivering replacement water to residents of a town whose drinking water wells were tainted with methane and possibly hazardous chemicals.

Cabot Oil & Gas Corp. has been delivering water to homes in the northeastern Pennsylvania village of Dimock since January 2009. The Houston-based energy company asserts Dimock's water is safe to drink and won regulatory permission last month to stop the water deliveries by the end of November.

Attorneys for 11 Dimock families who are suing Cabot in federal court said that test results show their well water is still contaminated. The law firm sent a letter to the state Department of Environmental Protection on Thursday, accusing regulators of colluding with the gas company and demanding they order Cabot to continue paying for bulk and bottled water. The Associated Press obtained the letter Friday.

"PADEP's arbitrary decision will deprive these deserving people and future generations, of their constitutional right to pure, clean, potable water," wrote Tate Kunkle of the New York City law firm of Napoli Bern Ripka Shkolnik & Associates.

Regulators previously found that Cabot drilled faulty gas wells that allowed methane to escape into Dimock's aquifer. The company denied responsibility, but has been banned from drilling in a 9-square-mile area of Dimock since April 2010.

Along with its request to stop paying for water deliveries, Cabot asked the department for permission to resume drilling in Dimock, a rural community about 20 miles south of the New York state line where 18 residential water wells were found to be polluted with methane. The state agency has yet to rule on that request.

"By coddling the oil and gas company, PADEP has made clear where its priorities lie," Kunkle wrote.

In an email, a Cabot spokesman said the company "continues to fully cooperate with the DEP regarding our operations."

DEP spokeswoman Katy Gresh had no immediate comment. She referred to a letter to the editor by Environmental Secretary Michael Krancer in which Krancer defended his agency's handling of the Dimock situation.

A December 2010 agreement between DEP and Cabot required the company to offer residential treatment systems that remove methane from the residents' water, and to pay them twice the assessed tax value of their homes. A half-dozen

treatment systems have been installed, and Cabot said they are effective at removing the gas. The agreement does not make the company liable for any chemicals or metals that have turned up in the residents' water, nor does it require the company to treat the water for anything other than methane.

Residents who are suing Cabot have appealed the settlement. They favor an earlier, scuttled DEP plan that would have forced Cabot to pay nearly $12 million to connect their homes to a municipal water line.

In his letter, written this week in response to an editorial in the (Chambersburg) Public Opinion, Krancer said that Cabot had satisfied the requirements of the settlement agreement.

"The real issue here is not safety; it's about a very vocal minority of Dimock residents who continue to demand that taxpayers should foot the bill for a nearly $12 million public water line along Route 29 to serve about a dozen homes," Krancer wrote. "This issue has, and continues to, pit neighbor against neighbor in Dimock."

Krancer, who serves under pro-drilling Republican Gov. Tom Corbett, has made no secret of his enthusiasm for Pennsylvania's burgeoning natural-gas drilling industry. Speaking before the Rotary Club of Erie on Wednesday, he called the Marcellus Shale "a blessing under our feet if do it right" and vouched for the safety of hydraulic fracturing, the drilling technique that's allowed energy companies to exploit deep shale formations like the Marcellus. The U.S. Environmental Protection Agency is studying whether the technique is contaminating drinking-water supplies.

Krancer's comments in Erie were reported by the Erie Times-News.

Kunkle, the residents' attorney, contended that state officials have concluded Cabot's profits "are more important than the constitutional right to pure water of the Commonwealth's residents." He said the Cabot treatment systems are ineffective and that his clients should not be forced to choose between drinking questionable "treated water" and paying $100 per day for delivery of potable water.

"Cabot and its representatives behave as if they are doing these undeserving people a favor with offers of a whole-house treatment system and nominal monetary payments," Kunkle wrote to the agency. "Cabot has not provided a 'permanent solution' to the problem they created and the only losers here are the residents of the Dimock/Carter Road Area and the community."

He said that tests have detected elevated levels of aluminum, iron, manganese and toluene in some of his clients' wells. The first three can affect the taste, smell and color of water but do not generally pose a health hazard. Toluene is a chemical found in drilling fluids, but Cabot has said it does not use it.

Several other worrisome substances were found at lower levels, the attorney said, including two chemicals associated with natural gas drilling: Bis (2-Ethylhexyl) adipate and Bis (2-Ehylhexyl) phthalate.

Dimock's aquifer is also still laced with methane, he wrote.

Methane is an odorless, colorless, tasteless gas commonly found in Pennsylvania groundwater. Sources include swamps, landfills, coal mines and gas wells. Methane is not known to be harmful to ingest, but at high concentrations it's flammable and can lead to asphyxiation.

Cabot has said many of the substances detected in the residents' water are naturally occurring. Kunkle said that is misleading because those substances were safely ensconced thousands of feet below Dimock's aquifer before they were brought to the surface by Cabot's drilling activities.

It's not clear whether the attorneys will take formal legal action if DEP refuses to reverse its decision. Kunkle declined Friday to comment on the letter, which was sent to Scott Perry, chief of DEP's oil and gas program.

EPA Administrator Lisa Jackson and Shawn Garvin, chief of EPA's regional office in Philadelphia, also received copies.

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