

Press Release



A GRASSROOTS ALLIANCE

organizing people to protect their communities and environment.

For Immediate Release: June 15, 2004

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Media: B-roll and pictures available

WESTERN COLORADO COMMUNITY GROUP TAKES ON ONE OF NORTH AMERICA'S LARGEST GAS PRODUCERS OVER WATER POLLUTION

*WESTERN COLORADO CONGRESS STARTED LEGAL PROCEEDINGS TO ENFORCE THE CLEAN
WATER ACT ON ENCANA'S GAS SEEP NEAR SILT, CO.*

Silt, CO – Western Colorado Congress, a grassroots alliance of nine community groups based on the Western Slope of Colorado, has submitted a sixty-day notice of intent to file a lawsuit under the Clean Water Act in response to EnCana Corporation's alleged release of pollutants, such as methane and benzene, into West Divide Creek near Silt, CO.

At the beginning of April, landowners in the area discovered methane and benzene gas actively bubbling in the creek. They determined it was methane when they found they were able to light the bubbling West Divide Creek on fire. The Colorado Oil and Gas Conservation Commission (COGCC) Northwest Area Engineer responded to a call by a local resident and subsequently called a halt to all drilling operations in the area. The COGCC then acquired EnCana's drilling records and said that one of EnCana's wells had failed cementing, which usually buffers the gas from seeping into water supplies. The COGCC issued a Notice of Alleged Violation claiming EnCana failed to report this faulty cementing and did not take care of the problem until the COGCC required them to fix it.

The COGCC has cited EnCana for violating several regulations, including unsafe drilling practices, and endangering a water source. More than 20 homes are now receiving bottled water from EnCana for fear that the gas could also migrate into nearby domestic wells. Water quality tests have determined that four wells that provide drinking water to local families have elevated levels of methane. In addition, the carcinogenic (cancer causing) benzene has been found in very high quantities in Divide Creek.

To this date, EnCana has not been asked by any state agency to get a discharge permit for

Community Alliance of the Yampa Valley • *Routt County* Sheep Mountain Alliance • *San Miguel County*
Concerned Citizens Resource Association • *Mesa County* Uncompahgre Valley Association • *Montrose County*
Grand Valley Citizens Alliance • *Garfield County* Western Colorado Action Network (WeCAN) • *Mesa County*
Ridgway-Ouray Community Council • *Ouray County* W. Slope Environmental Resource Council • *Delta County*

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WCC is a member group of the Western Organization of Resource Councils and Community Shares of Colorado

releasing methane and benzene into the creek.

“The COGCC currently is not regulating pollutant discharges to surface waters,” said WCC’s attorney Sean McAllister. “Without a discharge permit the state has no way to regulate this pollution discharge into the water or monitor or prevent future pollution discharges. This case is pretty straightforward. The Clean Water Act requires the state to permit pollution discharges into waters of the state.”

“With benzene found entering Divide Creek, at levels recently reported by COGCC to be 200 parts per billion, I find it very disturbing that regulatory agencies have failed to safeguard our surface and drinking water supplies from contamination,” said Lisa Bracken, a landowner affected by the seep and member of Western Colorado Congress.

Western Colorado Congress is filing a 60-day notice of intent to sue as is required by the “citizen suit” provision of the Clean Water Act. “Without our state adequately monitoring corporations and enforcing certain regulations it, unfortunately, falls to citizens to hold polluters accountable.” Bracken said.

“The industry’s pursuit of profit isn’t the issue. At issue is the pursuit of profit in a reckless manner—in a manner which exceeds capacity to mitigate dangerous consequences to individuals and the environment,” said Bracken. “I believe that the rush to exploit natural gas reserves without adequate regulation and enforcement potentially endangers anyone who attempts to live and raise a family in this area. This is a ranching community, not an industrial zone.”

Western Colorado Congress is taking on this suit as part of a larger campaign to reform the COGCC through rules changes and better monitoring and enforcement. Ten years ago the COGCC’s mission was “to foster, encourage, and promote the development, production, and utilization of the natural resources of oil and gas in the state of Colorado.” After 1994, the state legislature added the language, “in a manner consistent with protection of public health, safety, and welfare;” (*Oil and Gas Conservation Act*). WCC argues that after ten years the COGCC has not sufficiently changed their rules to adequately protect public health and the environment.

“It is appalling that the COGCC depends, to a great extent, on the lay person spotlighting industrial infractions,” Bracken said. “The agency’s crisis response to accidents in no way proactively ensures public health and safety. It is incumbent upon the COGCC to take advance measures to ensure the environment and families who live next to oil and gas activities are protected.”

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