

United States Senate
WASHINGTON, DC 20510

February 26, 2014

Arthur A. Elkins, Jr.
Inspector General
Environmental Protection Agency
1200 Pennsylvania Avenue NW (2410T)
Washington, DC 20460

Dear Mr. Elkins:

We are writing to follow up on your recently released and seriously deficient investigation into the Environmental Protection Agency's (EPA) issuance of a Safe Drinking Water Act (SDWA) Section 1431 Emergency Order aimed at Range Resources, an oil and gas company operating in Parker County, Texas¹. The order was subsequently withdrawn following overwhelming criticism from state officials, members of Congress, and stakeholders. This Emergency Administrative Order (EAO) publicized EPA's unsubstantiated findings where the Agency unequivocally "determined" that the drilling for natural gas by Range Resources "caused or contributed" to the contamination of at least two residential drinking water wells². The agency then utilized the unsupported claims, including "houses could explode", in order to instill fear and justify further burdensome regulations over hydraulic fracturing. The actions by EPA in Region 6 came not long after then-Regional Administrator Al Armendariz infamously touted EPA's "crucify them" strategy to "make examples" of oil and gas companies so that others in the future are "really easy to manage."³

Given the significance of the investigation requested by six Senators from states within EPA Region 6, we worked closely with your office to ensure that all the questions submitted to the EPA Office of Inspector General (OIG) outlining the investigation were appropriate, and that substantial suggestions from your office were incorporated into the original request. However, most of the 24 final charge questions were, regrettably, wholly ignored. When your office finally issued the report after numerous and significant delays, it was clear to us that the OIG disregarded an abundance of evidence showing that facts were manipulated, conclusions were unjustified, science was ignored, and EPA colluded with radical environmental groups. The lack

¹ U.S. Environmental Protection Agency, Office of the Inspector General, *Response to Congressional Inquiry Regarding the EPA's Emergency Order to the Range Resources Gas Drilling Company*, Report No. 14-P-0044 (December 20, 2013).

² U.S. Environmental Protection Agency, *EPA Issues an Imminent and Substantial Endangerment Order to Protect Drinking Water in Southern Parker County*, Press Release (December 12, 2010).

³ See Christopher Helman, *EPA Official Not Only Touted 'Crucifying' Oil Companies, He Tried It*, *Forbes* (April 26, 2012) available at: <http://www.forbes.com/sites/christopherhelman/2012/04/26/epa-official-not-only-touted-crucifying-oil-companies-he-tried-it/>

of specificity and detail in this report is both disappointing and troubling, and the OIG failed to incorporate clearly delineated facts, evidence, and details in substantiating a majority of the report's conclusions, most of which serve as a rubber stamping of EPA's actions.

In light of clear evidence of multiple significant and incontrovertible OIG failures in this particular report, we ask you to thoroughly respond to the questions below in their entirety and detail whether each of the below points were reviewed as part of your investigation. If yes, please explain why it was excluded from the OIG report; if no, explain why it was not part of the investigation and please provide the name of the specific investigator that made the decision to exclude facts.

1. EPA's EAO states that weeks before the order was issued, the Agency advised consumers of both domestic wells to discontinue use of their water on November 16 (Well 1) and November 23 (Well 2)⁴. Did the OIG find any evidence that at the time of the order – and after subsequent claims that “houses could explode” –neither Domestic Well 1 nor Domestic Well 2 were hooked up to the houses or in use?
2. Was the OIG aware of emails between David Gray, EPA Region 6 Director of External and Government Affairs, to other EPA officials the day before the EAO was issued, stating, “The two families are aware of the natural gas contamination, and by not using their wells EPA believes that the families have taken steps to reduce the risks?”⁵ If such information was in the possession of the OIG, how could the report conclude that EPA met the “imminent and substantial endangerment” requirement of Section 1431 of the SDWA where EPA's own guidance clearly states “Section 1431 should not be used in cases where the risk of harm is remote in time or completely speculative in nature?”⁶ Why would such information be ignored and left out of the OIG report? How can the OIG justify EPA's use of the same information – the water wells not being hooked up – both as sufficient for the Agency's revocation of the EAO, concluding endangerment no longer existed, as well as in the original issuance of the EAO where EPA found “imminent and substantial endangerment” citing concerns that “houses could explode?”⁷
3. The OIG report sourced an unnamed EPA Office of Enforcement and Compliance (OECA) official as having indicated that EPA believed “the risk faced by users of the remaining residential well covered by the emergency order had lessened” because the homeowner had unhooked the well⁸. When did EPA make this finding and when specifically was EPA made aware that either or both of the domestic wells were unhooked? It is clear the Agency was aware prior to the issuance of the EAO, in light of these facts, in the OIG's opinion were the claims made by EPA substantiated?

⁴ *In the Matter of Range Resources Corporation*, Emergency Administrative Order, Docket No. SDWA-06-2011-1208, 12/7/10.

⁵ Documents on file with the Committee.

⁶ U.S. Environmental Protection Agency, Office of Ground Water and Drinking Water, *Final Guidance on Emergency Authority under Section 1431 of the Safe Drinking Water Act* (September 27, 1991).

⁷ Mike Soraghan, *EPA Action on Texas Natural Gas Driller Escalates Fight Over State Regulation*, New York Times (December 8, 2010) available at: <http://www.nytimes.com/gwire/2010/12/08/08greenwire-epa-action-on-texas-natural-gas-driller-escala-55869.html?pagewanted=all>

⁸ *Response to Congressional Inquiry*, *supra* note 1, at 17.

4. The report states that an unnamed source at OECA told the OIG that shortly after the emergency order was issued, “EPA determined that it was unlikely that Range Resources’ gas well drilling and production activities had caused the contamination in Residential Well 2.”⁹ When was that determination made, on what information was it based, and who from OECA made the statement? Was this determination made prior to EPA’s withdrawal of the order 15 months after it was issued? Did the OIG investigate why this information was not made public sooner by the Agency? Did the OIG investigate why this information was not made public when it was determined and subsequently used to revoke at least a portion of the emergency order when it was determined?
5. The OIG notes in the report that “Section 1431 of the SDWA authorizes the EPA to take immediate action to protect public health when any source of drinking water is, or will be, contaminated.”¹⁰ However, EPA informed state regulators as early as October that they were considering issuing an endangerment order, yet waited for two months to find the need for “immediate” action.¹¹ What new information did EPA find in that two-month period that led the Agency to justify issuing the EAO that they did not have in October? What new information did the Agency find in that period that led them to credibly claim “houses could explode” in November that they did not have in October?
6. EPA’s final guidance from September 27, 1991, delineating the Agency’s abilities under its SDWA Emergency Powers – as was outlined in the initial Congressional request – is clear that EPA’s emergency authority should not be “used in cases where the risk of harm is remote in time or completely speculative in nature” nor should the authority be used “in cases where the risk of harm is completely speculative in nature or is de minimis in degree.”¹² How did the OIG measure EPA’s compliance with the requirement that the risk not be “remote in time or completely speculative in nature,” or “completely speculative in nature,” or “de minimis in degree?” The OIG report states that, “for the EPA to take and enforce a Section 1431 emergency order, it needs neither proof that contamination has already occurred nor proof that the recipient of the order is responsible for the contamination.”¹³ In the OIG’s opinion does this mean EPA has no requirement to follow including its own agency guidance?
7. Prior to requesting our initial investigation, your office was informed of doubts cast on EPA’s science from its own scientists and consultants that directly contradicted the claims made surrounding the EAO.

⁹ *Id.* at 12.

¹⁰ *Id.* at 1.

¹¹ *Testimony of David J. Porter, Texas Railroad Commissioner, before the U.S. House of Representatives Committee on Science, Space, and Technology (February 5, 2014).*

¹² U.S. Environmental Protection Agency, Office of Ground Water and Drinking Water, *Final Guidance on Emergency Authority under Section 1431 of the Safe Drinking Water Act (September 27, 1991).*

¹³ *Response to Congressional Inquiry, supra note 1, at 1.*

- A. Specifically, Dr. Douglas Beak, an EPA environmental chemist sent an email to other EPA staff shortly before the Agency issued its EAO, “this is not conclusive evidence because of the limited data set...The only way now to compare the data would be to make assumptions to fill in data gaps and I don’t believe we have enough experience at this site or data to do this at this time.”¹⁴
- B. Additionally, John Blevins, Director of the Compliance Assurance and Enforcement Division for EPA Region 6, was EPA’s “designated representative” in a deposition taken in the U.S. District Court for the Northern District of Texas on January 19, 2011.¹⁵ In his deposition Mr. Blevins as EPA’s representative stated that:
- EPA had not “determined” Range Resources caused or contributed to natural gas in the water wells and in fact they may or may not have been the cause or a contributor.
 - EPA had knowledge that “there are, there have been historically, there always will be” cases of naturally occurring natural gas found in local water;
 - EPA had a responsibility to consider alternative scenarios for how gas may have gotten in a homeowners well;
 - EPA did “no geologic investigation” or evaluate the geology below one of the homeowners wells; and
 - EPA only did a fingerprinting analysis to distinguish between thermogenic and biogenic gas in the homeowners well but did no analysis to compare that to gas from the Strawn formation.
 - The nitrogen concentration found in gas is significant and may mean that different levels of nitrogen are from different sources of those gasses.
 - EPA concurred with Dr. Beak’s analysis that the only way to compare data which the Agency relied on would be through assumptions.
 - EPA admitted it did not understand how gas migrated into the water wells¹⁶.
- C. EPA also had an expert consultant, Dennis Coleman of Isotech, who advised EPA that prior to making a determination the Agency needed to “evaluate the potential for other sources that would be thermogenic and the geology or structures that would store or transmit the gas from origin to aquifer to be certain.”¹⁷

Given that Mr. Blevins’s above-referenced statements strongly suggest EPA ignored the advice from Mr. Coleman, why was this information left out of the report? Why wasn’t EPA’s disregard for statements casting doubt over the basis for their EAO from within the Agency included in the OIG report and considered central to this investigation? Does the OIG believe that acknowledgements of doubt or admissions to lack of facts from pertinent EPA employees and contractors are irrelevant or inconsequential to this investigation? As a critical component of your report’s findings it seems you would have worked to discredit the claims of each of these individuals or, at a minimum highlight

¹⁴ *U.S. EPA v. Range Resources Corp, et al.*, Docket No. SDWA-06-2011-1208, Administrative Record No. 41.

¹⁵ *Range Resources v. U.S. EPA, et al.*, Case No. A-11-CA-011-LY (W.D. Tex. 2011) (Blevins Dep.).

¹⁶ *Id.*

¹⁷ *U.S. EPA v. Range Resources Corp, et al.*, Docket No. SDWA-06-2011-1208, Administrative Record No.

contradictory evidence presented by others within the Agency. What review of their work or credentials did the OIG complete to cause your office to be uncertain of the veracity or utility of their statements?

8. Despite evidence of historic water quality issues in the immediate area of EPA's EAO, which was specifically mentioned in the Congressional request, the OIG omitted discussion of this subject in the report. Natural gas, particularly methane, has been well documented as naturally occurring in the Parker County area for decades. Just one mile away from one of the wells targeted by the emergency order, tests going as far back as 1995 reported by the Lake County Acres public water have shown presence of natural gas in the water. In fact, in a December 2010 article, the general manager of the local Groundwater Conservation District said natural gas has been present in shallow water bearing aquifers "for an estimated 40 years."¹⁸ Did the OIG review any evidence from EPA ruling out naturally occurring gas from the cause of contamination? How does the OIG view this evidence in light of the fact EPA "determined" Range was the cause? Does the OIG believe one can "determine" a cause without ruling out others?

9. In EPA's certified administrative record, which was submitted to the U.S. District Court for the Northern District of Texas, the Agency had researched and obtained a two-page State of Texas Well Report (Tracking #226387) for the Hurst domestic water well on November 18, 2010, weeks prior to EPA's issuance of the EAO.¹⁹ The Hurst domestic water well is located in close proximity, on the border and adjacent to residential property a few hundred feet to the west of Domestic Well 1. The Hurst domestic water well was drilled on October 15, 2005, nearly four years before Range Resources had drilled the Butler or Teal wells. The two-page drillers report for the Hurst well states, "Well has natural gas coming into well at intermitting times."²⁰ Additionally, the Hurst well was drilled to just 180 feet, 20 feet shallower than the 200-foot depth of Domestic Well 1. Was the OIG aware of this information clearly in EPA's records? If so, why was this information dismissed by the OIG as you considered EPA's determination that Range Resources "caused or contributed" the presence of natural gas in Domestic Wells 1 and 2? Why was information that EPA knew a neighbor's shallower water well was contaminated by natural gas nearly four years prior to Range Resources activities in the area not included in the initial OIG report? Was there evidence reviewed by the OIG that EPA did not believe historical occurrences of natural gas in water wells in the area were germane or relevant to their investigations and actions in regards to Range Resources? If so, did the OIG investigate why EPA took samples from the Hurst water well just two weeks after it issued the EAO on December 21? What evidence did the OIG find as to why EPA did not include the Hurst well in the EAO or share the same explosivity concerns?

¹⁸ Jack Smith, *Ruling on Parker County Water Contamination Is Questioned*, Fort Worth Star Telegram (December 18, 2010).

¹⁹ *U.S. EPA v. Range Resources Corp, et al.*, Docket No. SDWA-06-2011-1208, Administrative Record No. 25.

²⁰ *Id.*

10. Despite an ongoing state-level investigation, EPA usurped the statutory role of the state claiming the state had “not taken action to date.” One of the two conditions that must be met for EPA to issue an emergency order under the SDWA is that “state and local authorities have not acted to protect public health from the imminent and substantial endangerment.”²¹ At the time of EPA’s EAO, the Texas Railroad Commission (RRC) had taken a number of actions which were ongoing to investigating potential water contamination in Parker County since the day it was reported.²² Actions taken by the RRC included:

- August 6, the day one of the homeowners complained to state regulators, RRC field inspectors conducted a water well survey on the homeowners well.
- August 10, the RRC inspected two nearby Range production wells.
- August 11, RRC again visited the residence, which had reported water issues to collect samples along with other state agencies.
- August 26, sampling was done for natural gas from the resident’s water wellhead²³.

How did the OIG interpret the requirement that “state and local authorities have not acted” under the SDWA? Is OIG’s understanding of the statute that requisite action in this case or others could only mean shutting down the operations of an entity like Range Resources? Did the OIG consider whether it could also include intermediate steps similar to those taken by the RRC listed above? How does this compare to previously issued EAO’s and EPA’s interpretation of a state not acting or does EPA only consider wholly shutting down operations and imposing subsequent requirements as action? Did EPA correctly follow their own guidance in finding that state and local authorities had not “acted?”

11. Following the issuance of EPA’s EAO, state regulators continued to pursue concerns regarding the alleged contamination, including the following actions:

- Securing a commitment in early December from Range to take additional actions, which included continued collection of environmental data as well as thorough testing plans for the production wells.²⁴
- Scheduled and conducted a public hearing on January 19-20, 2011, which EPA refused to participate. These hearings provided sworn testimony from numerous experts further investigating and assessing the issues in Parker County.²⁵
- Making an official determination on March 22, 2011, concluding that the natural gas found in Parker County water wells was from the Strawn Formation and not do to any drilling or production activities conducted by Range Resources.²⁶

In considering whether it was appropriate for EPA to intervene on the basis of a failure of a state to take action, pursuant to the requirements of the statute, did the OIG consider

²¹ *Response to Congressional Inquiry*, *supra* note 1, at 1

²² *U.S. EPA v. Range Resources Corp, et al.*, Docket No. SDWA-06-2011-1208, Administrative Record No. 18.

²³ *Id.* at No. 19.

²⁴ *Testimony of David J. Porter*, *supra* note 11 at 16-17.

²⁵ *Id.* at 19.

²⁶ *Id.* at 20.

any of these steps as actions relevant to their analysis? In the OIG's judgment, could any of these actions served as a valid basis for EPA to withdraw its emergency order? Did the OIG investigate why EPA officials would chose to make public statements designed to incite fear in local, statewide, and possibly nation-wide citizens, but then refuse to participate in public hearings where sworn testimony was provided by experts to develop scientific facts?

12. EPA issued a press release eleven minutes prior to sending the "emergency" order to Range Resources, a fact that was briskly mentioned in the report as "not typical."²⁷ If the purpose of such orders is to protect citizens from an emergency situation, what information did the OIG find that justified EPA not first contacting the recipient of the order which "describes the actions [the recipient] must take to ensure...no imminent and substantial endangerment to public health" prior to issuing a press release?
13. OECA's communication policy restricts "discussions concerning press releases and administrative orders when they are in draft form."²⁸ Regional Administrator Armendariz sent an email to activists stating, "We're about to make a lot of news. The first story has already been printed. There'll be an official press release in a few minutes."²⁹ The OIG report dismisses any potential wrongdoing, stating this email was time stamped minutes after the actual release of the EAO.³⁰ However, isn't it true that, at minimum, the email is evidence that the Regional Administrator Armendariz intended to violate OECA's policy? Moreover, it appears that news of the emergency order was in fact leaked well before the email was sent as there was an article already published and included in the Armendariz email. If the EAO had in fact been shared or discussed prior to its release, would the OIG consider that a direct violation of OECA's communications policy? Was the OIG aware of an email sent from WFAA reporter Chris Hawes to David Gray, EPA Director for External and Government Affairs, at 3:15 PM CST prior to the release of the EAO? The email contained a draft story stating, "Below is the summary I would like to publish on WFAA's website once I get the go-ahead to release the story from you. Can you please take a look, to make sure it is accurate?"³¹ Does the OIG not consider this communication as evidence of a violation of EPA policy? Why wasn't this considered relevant in the OIG report? How long before the EAO was officially released was this story posted, and were any other communications between the press and EPA reviewed in this investigation to see how far in advance they had been in contact?
14. The Congressional request letter made clear that the facts in EPA's EAO as well as their press and public statements should be thoroughly reviewed for accuracy, and ensure that they conform with the Information Quality Act (IQA) whose guidelines direct federal agencies to maximize "the quality, objectivity, utility, and integrity" of information prepared and disseminated. While the IQA applies to the "creation, collection, maintenance, and dissemination of information" with a basic standard that information

²⁷ *Response to Congressional Inquiry, supra* note 1, at 14.

²⁸ *Id.*

²⁹ Mark Drajem, *Industry Fought EPA Texas Chief Who Quit in 'Crucify' Furor*, Bloomberg (May 1, 2012).

³⁰ *Response to Congressional Inquiry, supra* note 1, at 14.

³¹ Documents on file with the Committee.

must be “accurate, clear, complete, and unbiased,” the OIG decided to limit the scope of the Congressional request to only look at one EPA press release and found that in the only instance the OIG decided to look at, the IQA did not apply.³² Why did the OIG report choose, despite clear direction from Congressional requesters to conduct an expansive review, to limit the scope of the IQA review solely to one press release? Who made this decision? What was the reasoning behind such a limited reading of the Congressional request? Does the OIG believe the countless other press and public statements, as well as the information contained in the EAO itself, conformed to IQA requirements? If so, please explain in specific and thorough detail.

15. Senators signing on to the OIG request raised specific concern with EPA’s EAO press release because hydraulic fracturing, while never being mentioned in any facts of the EAO, was mentioned four times with no context or evidence of involvement in the alleged well contamination. Senators were concerned that this was politically motivated to create “guilt by association.” The OIG dismissed this concern simply stating that press releases for two other SDWA EAO’s “also included additional information beyond the case facts” with no investigation or analysis of why the term hydraulic fracturing was used³³. In other releases from “similar” EAO’s, Please identify the instances of “additional information beyond the facts of the case.” Did the OIG find that the “additional information beyond the case facts” ever included links to studies on particular topics or references to subjects of “Enforcement Initiatives” like was done with hydraulic fracturing in this instance? Is it the OIG’s contention that EPA was simply adding additional information without attempting to imply or link hydraulic fracturing to their “determined” case of contamination from an oil and gas company?
16. In the report, the OIG chose to compare this EAO to only two of countless other SDWA EAO’s when finding the Range Resources EAO was “similar” to others. Perhaps more egregious is the fact that the two orders chosen as comparisons were filed *after* the EAO in question³⁴. This suggests that the Armendariz order could have served as precedent for the subsequent orders. Why did your investigators excluded other orders in order to compare this particular order to two “similar” examples? Did your office consider the possibility that the Armendariz order served as precedent for the subsequent orders?
17. EPA’s SDWA Emergency Authority Guidance states that prior to taking emergency action, EPA “*shall* consult with the state and local authorities to confirm the information on which EPA is basing the proposed action.”³⁵ (emphasis added) In previous EAO’s not reviewed by the OIG, EPA had consulted with States about the correctness of the information “upon which the order is based,” – meaning the state agreed with the emergency and the need for EPA to take action and often told EPA they did not plan to

³² *Response to Congressional Inquiry, supra* note 1, at 3.

³³ *Response to Congressional Inquiry, supra* note 1, at 13-14.

³⁴ *Response to Congressional Inquiry, supra* note 1, at 12.

³⁵ U.S. Environmental Protection Agency, Office of Ground Water and Drinking Water, *Final Guidance on Emergency Authority under Section 1431 of the Safe Drinking Water Act* (September 27, 1991).

take action³⁶. However, in the Range case, EPA simply “determined” on its own that “the appropriate State and local authorities have not taken sufficient action to address the endangerment” without any confirmation or even consultation with the state.³⁷ In making its determination that the Range order was consistent with other similar actions, did the OIG review this distinction? Is the OIG aware of any instance where a 1431 emergency order was issued without consulting the state?

18. In discussing the basis for EPA’s withdrawal of the emergency order, unnamed OECA officials claim they were on “firm ground.”³⁸ However, part of the justification for withdrawal was because of the “risk that the judge could rule against the EPA. If that happened, it would risk establishing case law that could weaken the EPA’s ability to enforce Section 1431 emergency orders in the future.”³⁹ If the risk of “imminent and substantial endangerment” from houses potentially exploding was serious, shouldn’t that have taken precedent over the burden of sufficiently justifying their legal defense argument? Who were the OECA officials discussing the potential balancing of “imminent and substantial endangerment” of houses potentially exploding with avoiding bad legal precedent for the Agency?
19. Another important aspect of the initial request that your office ignored centers around the “typical communication and procedure followed between an EPA Region and DC Headquarters in issuance of an emergency order under SDWA,” which should have included an investigation into which individuals from both the region and headquarters were involved in the decision making. Although the report briefly states that the region and headquarters coordinated in issuing the EAO and that “Region 6 followed EPA procedures in ensuring review and concurrence from headquarters” with regards to one press release, there is no information or facts substantiating these claims.⁴⁰ Who, in both EPA Headquarters and Region 6, was involved in the Range Resources investigation and issuance of the emergency order? Was the OIG aware of an email from Cynthia Giles, EPA Assistant Administrator of OECA, to Regional Administrator Armendariz the morning of the order proclaiming, “Your team has done a terrific job” and attempting to “set up mtg with the administrator early this am” implicating both Assistant Administrator Giles and EPA Administrator Lisa Jackson as being involved in the Range EAO process?⁴¹ Was the OIG aware of other emails between Giles and Armendariz – some including other high-ranking EPA officials such as Administrator Jackson, current Deputy Administrator Bob Perciasepe, former Deputy Administrator Bob Sussman, and former EPA General Counsel Scott Fulton – where Giles cites her desire to “coordinate” with Armendariz and Armendariz proclaims Giles “and I and our staffs are staying tightly coordinated on this issue?”⁴² Why was there no mention of the involvement of these high

³⁶ See U.S. Environmental Protection Agency, Emergency Administrative Order, Docket No. SDWA-04-2000-0060 (June 26, 2000); U.S. Environmental Protection Agency, Emergency Administrative Order, Docket No. SDWA-04-2001-0003 (September 28, 2001).

³⁷ *In the Matter of Range Resources*, *supra* note 4.

³⁸ *Response to Congressional Inquiry*, *supra* note 1, at 17.

³⁹ *Id.*

⁴⁰ *Response to Congressional Inquiry*, *supra* note 1, at 14.

⁴¹ Documents on file with the Committee.

⁴² Documents on file with the Committee.

ranking EPA officials in the OIG report? Please identify all EPA officials who were involved in EPA's internal communications and the coordination between Headquarters and the Region? Did other officials at Headquarters review and give clearance for the press release, as well as the facts and evidence used to substantiate the order?

20. EPA's administrative record heavily relies upon documentation provided by an anti-natural gas activist, Alisa Rich as well as Wolf Environmental⁴³. Of the 751 pages comprising EPA's certified administrative record; more than 20 percent are from Ms. Rich/Wolf. Six weeks prior to the withdrawal of the EPA's EAO, a Texas State District Judge concluded that the owner of Domestic Well 1 worked with Ms. Rich to create a "deceptive video" that was "not done for scientific study but...calculated to alarm the public into believing the water was burning."⁴⁴ Ms. Rich, who the Texas judge noted had "misrepresented her academic record and has misrepresented her qualifications" also pushed heavily for getting EPA involved despite the State's efforts, noting "it is worth every penny if we can get jurisdiction to the EPA."⁴⁵ Did the OIG consider the relationship between Ms. Rich and EPA when conducting its investigation of the emergency order? If the OIG did not consider the relationship, why not? If the OIG thought the quality of Range Resources' "quality assurance information" was within the scope of the investigation, was the scientific integrity, or lack thereof, of an anti-natural gas activist who heavily influenced EPA not within the scope? Did the OIG find any "quality assurance information" from Ms. Rich or Wolf Environmental that was provided to EPA prior to the issuance of the EAO or in the Agency's administrative record?
21. In light of the numerous concerns articulated in this letter, the OIG's failure to adequately respond to our initial request, and an the appearance that the OIG is covering for mistakes made by the EPA, we are troubled by your office's recent announcement that you intend to "evaluate how the EPA and states have used their existing authorities to regulate hydraulic fracturing impacts to water resources."⁴⁶ This report comes at a time when EPA and countless other agencies within the Obama Administration are conducting similar reports. What is the purpose of the OIG's investigation? What authority does your office have to investigate state efforts to regulate hydraulic fracking? Is a review of state actions in the OIG's core mission? In light of the obvious ineptitude displayed in the Range Resources report, what technical and practical expertise does the OIG have to assess a state's ability to mitigate potential water resource issues – particularly related to oil and gas development? Does the OIG plan on assigning any staff who worked on the Range Report to this new work project? If so, please identify which staff will be working on the project.

⁴³ *U.S. EPA v. Range Resources Corp, et al.*, Docket No. SDWA-06-2011-1208, Administrative Record Nos. 6-11, 13-17.

⁴⁴ Jack Smith, *Owner of contaminated water well in Parker County loses in court*, Fort Worth Star Telegram (February 18, 2012) available at: <http://www.star-telegram.com/2012/02/17/3744111/owner-of-contaminated-water-well.html>

⁴⁵ Mike Soraghan, *Texas EPA Official's Emails Show Federal-State Tension Over Sanctions on Natural Gas Drilling*, New York Times (February 11, 2011) available at: <http://www.nytimes.com/qwire/2011/02/11/11greenwire-texas-epa-officials-e-mails-show-federal-state-63373.html?pagewanted=all>

⁴⁶ U.S. Environmental Protection Agency, Office of Inspector General, Project Notification: EPA's Oversight of Hydraulic Fracturing Impact on Water Resources, Project No. OPE-FY-0018 (February 5, 2014).

As this lengthy letter demonstrates, there are a number of concerns that we have with the quality and integrity of this report which until corrected will cast a shadow over any future work from the OIG. It appears that this report is neither comprehensive nor unbiased and we expect your prompt and thorough attention to addressing its serious flaws.

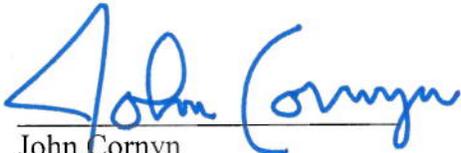
Sincerely,



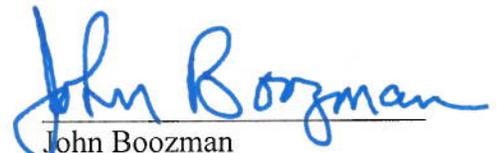
David Vitter
United States Senate



James Inhofe
United States Senate



John Cornyn
United States Senate



John Boozman
United States Senate



Tom Coburn
United States Senate



Ted Cruz
United States Senate