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February 8, 2000

Mr. Larry D. Wright, P.E. (6WQ/S)
Branch Chief
Water Quality Protection Division - Source Water Protection
Environmental Protection Agency - Region 6
1445 Ross Avenue, Suite 1200
Dallas, Texas 75202-2733

Re: Endangerment of Fresh Water Sands, Civil Rights Violation, and
Obstruction of Justice related to the EPA Class II Injection Program

Dear Mr. Wright:

This letter is being sent to you to request **your help** in obtaining justice concerning problems I have with the state of Texas and its EPA Class II injection program. But before I proceed, I request that the EPA and any other related government entities keep my name and the name of my consulting firm **confidential** in regards to the matters in this letter.

The three areas of discussion in this letter are as follows.

- I. Endangerment of Fresh Water Sands - discussion of my efforts to get the state to correct its EPA Class II injection program problems.
- II. Civil Rights Violation - discussion of how that state is violating my civil rights by aiding and abetting in the illegal practice of engineering.
- III. Obstruction of Justice - discussion of how the state has delayed and put up obstacles in my effort to recover payment for services rendered.

I. Endangerment of Fresh Water Sands:

From my previous correspondence, you are aware of some of the BAD and incorrect science being used to manage and implement the EPA Class II injection program at the Texas Railroad Commission (TRRC). The consequences of the BAD and incorrect science is the endangerment of Texas ground water. One of the options available to the practicing engineer is to file complaints and reports with authorities in charge of the operations that are a problem. As you may already know, I filed an engineering complaint against the Environmental Services Division (UIC) of the Texas Railroad Commission (TRRC) for violations of the Texas Engineering Practice Act (Engineering Board File H-17077) in regards to their EPA Class II injection well program. I also requested that the Public Integrity Unit for the state of Texas follow up on the violations of the Texas Engineering Practice Act and the EPA Class II injection program problems. It is my understanding that my engineering complaint was handled by the state attorney general's office. It is my understanding that a state attorney (or attorneys) made engineering decisions/determinations that the TRRC's EPA Class II injection program did **not** pose a danger, the TRRC was **not violating** the Texas Engineering Practice Act, and that **NO** engineering experts in these matters were needed or consulted.

My own conversations with TRRC personnel in the UIC department indicated that the geologists responsible for particular TRRC Districts handled the pressure front calculations, which are violations of the Texas Engineering Practice Act. Also, unless the Attorney Generals Office and the Texas Engineering Board consulted engineering experts in the matters addressed by my engineering complaint, they too are in violation of the Texas Engineering Practice Act. It appears that the state did not investigate my complaint, even though my engineering complaint identified two geologists, believed to have had intimate knowledge of who performed the illegal pressure front

calculations listed in the complaint. My engineering complaint identifies the TRRC geologist who handled my former client's injection application as the individual who actually performed the illegal pressure front calculations.

I have tried to get the Engineering Board to send me a report of their investigation to my engineering complaint, so that I could identify the engineering expert(s) they used in arriving at their decision. So far, I have not received a copy of their report, if one exists. And, I do not know if they consulted an engineering expert in the matters of my engineering complaint. I guess they figure I will file another engineering complaint against their expert for engineering incompetence, if they give me the identity of their expert(s). Or, they did not consult engineering experts in the matters of my engineering complaint and they just want me to quit bothering them.

The investigation by the Public Integrity Unit of the Travis County District Attorneys Office seemed to mirror the state's stance concerning the engineering complaint. In fact, the Public Integrity Unit told me that if I wanted the state to enforce the Texas Engineering Practice Act, I would have to continue my efforts in trying to get the Engineering Board to do the "right thing". This seems like a circular argument because issues like this (policy complaints) go directly to the State Attorney Generals Office, where they already told me that they are in the business of trying to protect the state from lawsuits rather than correcting state wrong doings. Sometime after my engineering complaint case was closed, the state's Executive Director, John R. Speed, and the investigator on the case, Edward Jones, left the agency and are employed elsewhere. These are two individuals who had some knowledge of the issues in my engineering complaint.

It is my understanding that at the time I had filed my engineering complaint, the state was being sued by surface landowners around the East Texas Oil field. The surface landowners had surface outbreaks of oil field brine on their property. It is also my understanding that many of the injection projects in this area were surrounded by improperly plugged wells and were approved using the scientifically incorrect, infinite acting pressure transient equation. I suspect if the plaintiffs' attorneys in this lawsuit had known about the scientific principles in my engineering complaint, the lawsuit might have had a different outcome. It is my understanding that the court ruled the state did not have to be competent in these issues, something counter to the Texas Engineering Practice Act. The state may have deliberately dragged its feet in regards to processing my engineering complaint as a strategy to mitigate the chances that the science of the engineering complaint would have been used by the East Texas landowners in their lawsuit against the state.

The Texas Engineering Practice Act requires that projects that affect public health, safety, welfare and property be designed, submitted and handled by licensed, competent engineers. EPA Class II injections projects fall into this category of projects.

II Civil Rights Violation:

I believe the state has violated my civil rights in regards to my practice of engineering. It is my understanding that under the current implementation of the EPA Class II injection program at the TRRC, law firms, geologists and general petroleum consultants, with no engineering license, are routinely allowed to submit injection well applications where improperly plugged wells are not identified and incorrect engineering calculations are used to justify injection projects. Clients have ceased to employ my services for Area of Review studies because I identify improperly plugged wells and use more correct science in evaluating whether or not there is potential for fluid migration through improperly plugged wells. Operators would rather employ the services of those that do not identify improperly plugged wells and practice incorrect engineering without a license. It is my opinion that the law firms and petroleum consultants, who break routinely the law and illegally practice engineering concerning EPA Class II injection well applications, have the majority of work or market share in preparing injection applications for clients. And, the state does not seem to encourage or endorse the correct use of science in these injection program matters. In essence, the TRRC seems to be aiding and abetting in the non-licensed practice of engineering in regards to the engineering science that applies to their EPA Class II injection program.

One Austin law firm that advertises it processes EPA Class II injection and disposal well applications is Scott, Douglas and McConnico. They can be found on the internet at "www.scottdoug.com". It is my understanding that this firm does not employ licensed engineers in the determining Area of Review properly plugged and improperly plugged wells, and in the use of pressure front calculations for justifying such projects.

III. Obstruction of Justice:

I believe the state has obstructed justice in regards to a pending collections lawsuit I have against an operator who contracted with me to assist him in performing an Area of Review (AOR) study. My work identified at least FIVE improperly plugged wells in his AOR. I believe the client wanted me to process the injection application through the TRRC, without identifying all the improperly plugged wells. I could not process the application because it would have been dangerous to fresh water sands, a violation of the Texas Engineering Practice Act, and a violation of the certification of truthfulness required on the injection application (TRRC Form H-1). The operator subsequently decided not to pay me. He employed a consulting petroleum geologist, who made minor modifications to my AOR map, table, and identified only one of the improperly plugged wells. The project was subsequently approved and justified using illegal and scientifically incorrect pressure front calculations. I used the scientifically incorrect pressure front calculations from the approved injection application as an example in my engineering complaint, subsequent letters and reports.

I performed over 6 weeks of work on the injection application for this operator and was paid for less than one week of work. It is my opinion that the operator lied to the TRRC on his injection application concerning the number of improperly plugged wells in his AOR. The operator was informed that more than one improperly plugged well existed in his AOR via telephone conversations and a “dunning” letter used to recover payment. Making false statements to the TRRC on an injection application is a felony offense.

Within the pending lawsuit, the former client is using as a defense, the fact that the TRRC approved the injection project and that I should have completed the injection application because the TRRC approved the project. The Engineering Board, the State Public Integrity Unit and the Texas Railroad Commission know of my pending lawsuit and the engineering calculations that show the injection project to be dangerous and illegal for me to complete as a licensed engineer. The Engineering Board delayed responses and status requests to my engineering complaint for over 6 months. Responses were received only after submitting several Texas Open Records Act requests. A response from the Public Integrity Unit concerning my filings were not received until 12 months after the initial filing. Yet, the injection project in question continues to be in operation. Private sector lawyers have told me that if I don't get the state to correct its stance on this project I will never win my lawsuit. I believe other forms of obstruction of justice by the state include the release of “ex parte” evidence to the Austin legal community which has biased attorneys from even considering taking my case on a contingency fee basis or even considering the violations of the Texas Engineering Practice Act.

I have yet to find an attorney that will assist me in this case(s). • • • • • fighting these issues. • • • • • private sector attorney unless it is on a contingency fee basis. Austin attorneys know this. They appear to have been threatened by some entity (state of Texas/TRRC?) that accepting this case and fighting the status quo on the TRRC injection program issues will be a money losing proposition for them. I have found no attorneys willing to include in the handling of my case the fact that my former client was told of additional improperly plugged wells in his AOR and that my processing of his injection application according to his wishes would have been illegal. This injustice makes me believe that the legal community is one of the reasons there has been such bad management and bad science concerning these issues. Also, there are several law firms in Austin that assist clients in obtaining injection applications through the TRRC. Assisting me in my efforts, although legal and the “right thing” to do, would take away what is currently a money-making business enterprise for the legal community. Some of the law firms that process these injection applications are believed to be heavy PAC contributors for the election of Railroad Commissioners and Attorney General.

Please let me know if you are interested in more information. I would greatly appreciate your help. It would be helpful if you could recommend a legal entity within the federal government that might assist me in obtaining justice. I can be reached at the address listed in my letterhead or by telephone at (512) 261-3476.

Yours truly,

ORIGINAL SIGNED by David Voorhis

David B. Voorhis, Ph.D., P.E.
Owner