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April 2, 1998

Mr. Steve McCleery - ADA  
Travis County District Attorney's Office  
Attn: Public Integrity Unit  
P. O. Box 1748  
Austin, Texas 78701

Re: Possible need for an Investigation concerning  
TRRC injection well program problems

Dear Mr. McCleery:

I am giving you this information because of problems I have had related to the EPA Class II injection well program at the Texas Railroad Commission (TRRC). I am an Austin based, consulting petroleum engineer. One of my business functions is to assist clients in their efforts to file injection well applications with the TRRC. My efforts to get the TRRC to correct their injection well program problems have been unsuccessful. An investigation by your department might be the catalyst needed to get the TRRC to clarify some legal issues and do the "right thing."

The problems with the TRRC injection program involve the endangerment of Texas ground water where: improperly plugged wells around injection projects are not identified; incorrect scientific principles are being used to justify injection projects; and, the practice of engineering by non-engineers and/or non-qualified applicants occurs. Several laws appear to be routinely violated by the TRRC and injection well applicants. Some of the laws and possible violations are listed as follows.

- 1) SWR 46 and SWR 9 (Texas Natural Resources Code Title 3: §3.9 and §3.46) - Injection applicants and the TRRC tend to **not** identify improperly plugged wells in the 1/4 mile Area of Review. Identification of improperly plugged wells in an Area of Review is a requirement of SWR 9 and SWR 46.
- 2) Texas Natural Resources Code, Sec. 91.143 - Applicants tend to knowingly submit injection applications having improperly plugged wells that are not disclosed in the injection application. Penalties for knowingly submitting injection applications (TRRC Forms H-1 and W-14) with false or misleading information are described by Sec. 91.143. This type of violation may be difficult to prove because of TRRC's ambiguous definition for improperly plugged wells within an Area of Review and the difficulty in proving an applicant had prior knowledge of the problem.
- 3) Texas Engineering Practice Act (9/1/97) - The TRRC aids and abets in the non-licensed practice of engineering. Non-engineers and non-licensed engineers are and have been submitting petroleum engineering calculations (pressure front calculations) to the TRRC that are scientifically incorrect. Section 23 of the Texas Engineering Practice Act describes the violations and penalties. Many TRRC approved injection well projects would be in violation of the Texas Engineering Practice Act if submitted by a licensed engineer because they endanger public health, safety and property.
- 4) Safe Drinking Water Act (1974) - Texas groundwaters are endangered and may be undergoing contamination by some injection projects approved by the TRRC. Most of this contamination probably occurs underground, in the lowermost portions of the groundwater reservoirs. This type of contamination is difficult to prove because it is out of sight and may require the drilling of test wells to confirm.

Other unknown laws may be violated by the EPA Class II injection well program at the TRRC.

I do not know if the Travis County District Attorney's Office has authority or jurisdiction over any of the above matters. I have been told by the State Attorney General's Office that the Travis County District Attorney's Office investigates "wrong doings" by state agencies. For this reason you are receiving this letter and the enclosed documents.

Enclosed with this letter are nine (9) documents that may help you decide on whether or not these legal issues warrant an investigation (or oversight) by your department. They are as follows.

- 1) Attachment A - This is the "dunning" letter sent via registered mail to the defendant that owes me money. The "dunning" letter cites improperly plugged well problems associated with the defendant's injection well application at the TRRC. My contractual relationship with the defendant "soured" when I verbally told him he needed to take care of the improperly plugged well problem in his Area of Review prior to his application. This letter is evidence that an injection applicant was informed of suspected or known improperly plugged wells in his Area of Review and relates to a possible Sec. 91.143 violation. Please keep the "dunning" letter confidential.
- 2) Letter from Injection Applicant - This is the transmittal letter from the injection applicant, ..... , to the TRRC concerning his injection well application. It was mailed after ..... had received the dunning letter citing problems with five improperly plugged wells in his 1/4 mile AOR. His transmittal letter only identifies one of the suspected improperly plugged wells, and not any other suspected or known improperly plugged wells known at that point in time. Subsequent work on an engineering report identified several more suspected or known improperly plugged wells. The transmittal letter is evidence that the applicant was not truthful about suspected or known improperly plugged wells in his Area of Review and relates to a possible Sec. 91.143 violation.
- 3) Attachment B - This is the standardized form for filing a complaint through the Texas State Board of Registration For Professional Engineers.
- 4) Engineering Complaint - This bound document is referenced by the standardized complaint form (Attachment B) and is the actual engineering complaint. The document addresses problems and issues with the injection well application process at the Texas Railroad Commission. It contains pressure front calculations (pages 9 and 10) and a 1/4 mile Area of Review map (page 12) of an approved injection well that endangers fresh water sands. The complaint was filed February 5, 1998 with examiner Ed Jones (telephone 512-440-7723). The status of the Engineering Board's inquiry is unknown.
- 5) Chapter 7: Conclusions And Recommendations - Chapter 7 is from an engineering report I made concerning TRRC injection well program problems. It was given to the Texas Engineering Board, along with the bound copy of the engineering complaint. Other additional items filed with the engineering complaint were: Map #9, Table C.2 and Table C.3. These three items are in the "Additional Documents" section of the letter to William B. Hathaway of the EPA, item 5).
- 6) Letter to the EPA - Enclosed is a copy of the letter/report to William B. Hathaway. This letter is similar to the engineering complaint except the description of attempts to get the Texas Railroad Commission to correct their problems, have been omitted. The letter also has a wellbore diagram, more references and geologic figures not included in the engineering complaint. Similar versions of this letter/report were sent to Larry D. Wright and Phil Dellinger, both of the EPA.

- 7) Letter to Politicians - Enclosed is a copy of the letter to Governor George Bush. Similar letters were sent to Senator Gonzalo Barrientos and Senator Bill Ratliff. All letters sent to politicians had a version of the letter/report(s) sent to the EPA.
- 8) Written response from William B. Hathaway of the EPA.
- 9) Written response from Governor George Bush.

**Please keep these documents confidential** (especially the “dunning” letter). Return them if they are of no use. If they are of no use, call me and I will come by to retrieve the documents. I am still trying to recover payment for services related to the “dunning” letter. I do not want further problems by having these documents reach the hands of people intent on harming me or my business. It is my opinion that many of the petroleum consultants and law firms specializing in Texas oil and gas law, are guilty of submitting injection applications to the TRRC with the defects and problems discussed in the engineering complaint and EPA letter. Very few petroleum consultants in Austin are willing to support my case. It is my opinion that many (petroleum consultants and law firms) fear being scrutinized for submitting injection applications to the TRRC with false and insufficient data; and/or, fear being accused of being an incompetent petroleum consultant.

I would greatly appreciate your office giving me recommendations of other authorities or individuals that can settle these issues if the Public Integrity Unit of the Travis County District Attorney’s Office does not see a need to pursue these matters.

Please contact me by telephone at (512) 261-3476 if you have any questions concerning this letter and the enclosed documents. I would greatly appreciate any free legal assistance or advice you can offer.

Yours truly,

**ORIGINAL SIGNED by David Voorhis**

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