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Via Facsimile: (512) 477-1729 and U.S. Mail

Al Armendariz
Sierra Club – Lone Star Chapter
PO Box 1931
Austin TX 78767-1931

Dear Mr. Armendariz:

It has come to my attention through a published account that you have recently misrepresented facts and circumstances of the issues related to your December 7, 2010 order against Range Production Company and disparaged Range by falsely accusing Range of affecting groundwater in Parker County, Texas. At least one media outlet has quoted you as stating at a public conference in Lubbock, Texas on October 20, 2012 that:

“the best available data that I was presented by my staff indicated that the driller’s [Range’s] natural gas was ending up in a private drinking water well. ... I’ve not seen, and when I withdrew our enforcement action I didn’t see, anything to the contrary. ... But we do live in a very litigious society. It had been in court for more than a year going on two. I felt a better course of action would be to talk to Range about a potential settlement where we would withdraw our enforcement action and they would commit to doing additional monitoring in Parker County.”

Your statements are contradicted by facts, science, independent expert analysis, the final adjudicated decision of the Railroad Commission of Texas, the EPA’s internal documents, and sworn testimony from EPA’s sole witness to testify about your order. As you know, the Railroad Commission thoroughly investigated this matter and conducted a two-day evidentiary hearing, following which the Commission determined that Range’s activities had no impact on the water aquifer or the well in question. In fact,

none of the testing to date – including that by EPA Region 6 – shows or even suggests that any of Range's operations have had any impact on the groundwater in the area at issue. Additionally, the Railroad Commission hearing proved that methane in water in Parker County is a well known, naturally occurring phenomenon and one that has been safely managed by the state. Numerous state agencies, landowners and businesses have records of naturally occurring methane in the water aquifer for *decades* prior to Range's activity – including photos of a water well very near the water well you focused on in your false statements which was drilled about 4 years before Range's gas wells and was photographed while actually flaring natural gas.

Faced with this information, the designated representative of EPA Region 6, under your direction, admitted that Region 6 had no idea how Range's gas wells may have impacted the subject water well and that Range actually may not have caused or contributed to the gas in the subject well. Further, EPA Region 6, under your direction, utilized a flawed isotopic analysis that the EPA's own experts cautioned was insufficient to conclude that Range caused the contamination of the groundwater:

Dennis Coleman (Isotech Laboratories) to EPA on 11/19/10: "One must 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."

Doug Beak (EPA Environmental Chemist) on 11/28/10: "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."

EPA Region 6 also admitted under oath that it, while under your direction, failed to perform any evaluation of the geology in the area of the subject water well, failed to consider that the natural gas-bearing Strawn formation, which lies directly below the Trinity Aquifer, could be causing the gas in the subject well, and failed to make any attempt to determine if there was a pathway from the producing zones of Range's wells to the aquifer, by which gas could have migrated over one mile through layers of rock to the location of the aquifer. Your own internal correspondence reveals that EPA representatives were asking questions about what the Railroad Commission knew about the area and whether there were prior instances of natural gas in the water wells just days before you issued the order. Inexplicably, you did not wait for answers to these questions before issuing the order which – as you know -was later withdrawn.

While the mishandling of this matter by Region 6 was unfortunate and embarrassing for EPA and clearly affected the public's confidence in the regulatory system in this country, we were very pleased that when the EPA Headquarters

eventually reviewed this matter they relied on facts and science, which directly lead to the withdrawal of your order shortly before your resignation from EPA Region 6.

To be clear, Range respects the right of every individual to express their opinions about our industry and we welcome an active discourse about the role our industry plays with regard to the development of clean, affordable energy, the environment, the economy, and national security. However, you have chosen to publicly make false comments about Range and we must insist that you cease from making further false and disparaging comments against Range.

Sincerely,



David P. Poole

cc: Administrator Ron Curry
Chairman Barry Smitherman (via email)
Commissioner David Porter (via email)
Commissioner Buddy Garcia (via email)
Administrator Lisa Jackson (via email)