By Lowell Brown and Peggy Heinkel-Wolfe

CHAPTER 1

Neighbors along Britt Drive are approached by land men eager to drill in the Barnett Shale. Some are wary of the impact on their quality of life and question whether the amount of money offered is worth it.

The Coles were relieved to hear the family planning to build a single house on the torrent of cattle and energy workers.
land with plans for a gas well, but they consented when the chance arose months later. Vanessa White is the president and chief operating officer of Discovery Geo Corp., an oil and gas exploration company based in Grapevine. Representatives of Reichmann Petroleum, a company with which she once shared office space, approached her about drilling on her family’s lot. The Whites agreed to allow a gas rig on three of their 12 acres. They assumed the drilling would be done by the time their house was built, but said they told the drillers to make the site as safe and unobtrusive as possible for their new neighbors.

Unaware of the Whites’ new plans, the Coles and DeGrands were perplexed, then increasingly alarmed when the bulldozer arrived to level the ground behind their homes. The pad site grew taller by the day. The workers arrived before dawn and left after dusk. Dirt hung in the air like a gritty fog.

As the sloped pasture behind them lost its shape, the neighbors started worrying about flooding. The neighborhood sits on the edge of a flood plain. Rainwater flowed downhill from the land behind them on its way to Briar Creek, which runs through the subdivision. Could the pad site reroute the runoff into their yards and homes? they wondered.

Jana DeGrand and Jennifer Cole called their elected officials to ask for help and were surprised to find little. Their county commissioner, Jim Carter, told them Denton County lacked the authority to get involved. The Texas Commission on Environmental Quality and Federal Emergency Management Agency passed them off to other agencies, they said. Their state senator, Jane Nelson, said they’d have to rely on the Texas Railroad Commission, which oversees the oil and gas industry. The commission’s then-chairwoman, Elizabeth Ames Jones, said she understood their concerns but had “very limited authority” over the location of gas rigs and other drilling equipment. DeGrand vented her frustrations in a column published in The Cross Timbers Gazette that fall. “There are no laws or ordinances in place to protect us,” she wrote.

The neighbors dealt with the stress of the looming problems in different ways. The DeGrands found time to work in their yard or on projects around the house — work that tired the body but enlivened the mind. Some nights, after they got their boys to bed, the Coles would sit on their bed and play Skip-Bo.

In her darker moments, Jennifer Cole cried out to God to stop the drilling. Then, ashamed by her lack of faith, she repented because she knew her fear wasn’t from God.

“Lord,” she recalled praying instead, “I’m giving this to you. You can protect my children. I can’t.”

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Urban drilling means these rough-and-tumble workplaces are closer to people than ever. But its boom-or-bust nature creates a psychosocial environment for the Britt Drive neighborhood that fosters distrust of both sides.

Jennifer Cole turned on her television and learned of the destruction in Brad, 100 miles away from her well kept home 100,000 in 2006. Not only are oil and gas workers getting killed on the job at nearly eight times that rate, but the fatality rate has increased since the uptick in exploration and production nationwide: from 30.5 deaths per 100,000 workers in 2003 to 2006, the nationwide incident rate was worst for those involved in oil and gas workers are hurt with disproportion- at least part of the roughneck's life. Davis "more or less played along with it," Goodman testified. "He was laughing." A jury found Goodman guilty of manslaughter and sentenced him to 18 years behind bars. Four months later, Garland pleaded guilty to the same charge and received a five-year prison sentence. The brutal episode so close to her home haunted the thoughts of Jennifer Cole, who tried not to picture the trailers and drilling equipment arriving just beyond her back fence. Trailers that would fill up with workers. Workers who would know when her husband left for work, when she was alone with her kids. She tried to bat the thoughts away, to believe that she was worrying too much. But they came anyway. What kind of people would do such a thing, she reckoned wondering, replaying the details of Davis’ death in her mind. Is that what she should expect from them? These would-be neighbors?

BEHIND THE SHALE

Perils afoot: Gas boom brings potential dangers closer to homes

By Peggy Heinke-Wolfe and Lowell Brown

Staff Writers

Natural gas bubbled from the foothill- ten ground around the well for several hours before the earth erupted about 1:45 a.m. on a December morning in 2005, tossing truck-sized bulldozer into the air. John Ritchie’s land erupted in a grassfire that came within several feet of his land, creating the same 750-foot wall of fire or injuries. Stoval Operating lost control of a well on June 18, 2002. Two other operators lost control just before the Brad explosion, which killed one worker, the man behind her, creating the same 750-foot wide crater, she and her neighbors could be trapped behind the well cap, the tire knocked off the well cap, igniting the gas into a flash fire that trapped him inside the cab. Fellow employees of Patterson Drilling extinguished the fire only to watch Dotson die hard hat, managed to land on his feet on the roof of a Cheyenne Drilling Co. rig in Saginaw. As when Guyan was killed 14 months before in Forest Hill, local media reported that XTO Energy blamed the employee for the accident, claiming that the industry has strict safety procedures. In addition to a higher risk of dying on the job, oil and gas workers face risk of serious injury or illness at work. From 2003 to 2006, the nationwide incident rates for on-the-job injuries in the mining sector were worse than those involved in drilling, at a rate of 5.3 per 10,000 full- time employees. Those in well-servicing jobs face comparably low risk at 3.1 per 10,000, with 2 per 10,000 injured in extraction jobs. However, because of differences in reporting among different labor sectors, comparing oil and gas occupa- tional injury and illness rates with rates in non-mining jobs is meaningless, according to a September 2008 report by the Colorado School of Public Health. On Feb. 12, 2007, a Devon Energy employee working on a rig between Denton and Argyle fell 90 feet from the top of a drilling rig, a fall that is usually fatal. The employee, who was wearing a hard hat, managed to land on his feet on the well platform and survived with broken bones. Argyle Fire Chief Mac Hohenberger noted that whenever paramedics are dispatched to help with injuries at a gas well site, "It’s always pretty bad." This physically risky work, born in a fis- cally risky environment, foments a rough- and-tumble culture that frequently doesn’t play well to outsiders. At the beginning of the boom, two employees killed a fellow worker Nov 25, 2003, in an initiation prank at a rig near Argyle. Teddy Garland and Louis Goodman intended to string Shawn Davis up with a line used to move heavy equipment. Instead, the line became entangled in the machinery, dragging Davis headfirst through a door and slamming him around and around. The men unhooked the line from Davis’ belt, washed off the blood and concocted a story to cover their ill-fated prank. It was all a fluke, they’d tell authorities. Davis stretched himself in the chain accidentally. The next day, a co-worker went to the sheriff’s office and revealed the truth of what happened. At trial, Goodman testi- fied that initiations and horseplay were simply part of the roughneck’s life. Davis “more or less played along with it,” Goodman testified. “He was laughing.” A jury found Goodman guilty of manslaughter and sentenced him to 18 years behind bars. Four months later, Garland pleaded guilty to the same charge and received a five-year prison sentence. The brutal episode so close to her home haunted the thoughts of Jennifer Cole, who tried not to picture the trailers and drilling equipment arriving just beyond her back fence. Trailers that would fill up with workers. Workers who would know when her husband left for work, when she was alone with her kids. She tried to bat the thoughts away, to believe that she was worrying too much. But they came anyway. What kind of people would do such a thing, she reckoned wondering, replaying the details of Davis’ death in her mind. Is that what she should expect from them? These would-be neighbors?

FOR REFERENCE
II. Compiled from Tarrant County Medical Examiner and Occupational Safety and Health Administration records.
III. Compiled from court documents, Dotson vs. Encana Oil & Gas, Cause No. 06-05-357.

RISKY WORK

A Colorado School of Public Health review found that the fatality rate among oil and gas workers was 31.9 per 100,000 workers in 2006. According to another report, differences in reporting among different labor sectors make it meaningless to compare oil and gas occupational injury rates and accepted a five-year prison sentence. The brutal episode so close to her home haunted the thoughts of Jennifer Cole, who tried not to picture the trailers and drilling equipment arriving just beyond her back fence. Trailers that would fill up with workers. Workers who would know when her husband left for work, when she was alone with her kids. She tried to bat the thoughts away, to believe that she was worrying too much. But they came anyway. What kind of people would do such a thing, she reckoned wondering, replaying the details of Davis’ death in her mind. Is that what she should expect from them? These would-be neighbors?

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EDITORS’ NOTE: Behind the Shale is a five-part series exploring urban gas drilling and one Argyle-area neighborhood’s struggle against it.
After well drilling began in 2005 and Forest Hill in 2006, some cities increased their “setback” rules. Many required somewhere between 300 and 600 feet between wells and homes or other buildings. Some city councils, otherwise wise to require longer distances, backed off as mineral owners were allegedly in need for taking their property rights. But several cities upped the requirement to 1000 feet between a well and a home or building. 200 feet are approximately the width of the burning crater in Brad.

As other issues emerged — crushed roads and collapsed bridges; roaring compressors and0ious fumes; multiple, redundant pipelines that rendered prime, developable property useless — cities sought more rules to protect the health, safety and well-being of their residents.

After workers began moving dirt behind their homes on Brit Drive between Denton and Argyle, Jana DeGrand and Jennifer Colequickly learned that the railroad commission would not help. The commission has no setback requirement.

City setback rules don’t apply in unincorporated areas like Briar Creek Estates, the subdivision where the two families call home. In fact, the well pad site, now known as Whitespot for landowners Steve and Vanessa White, was illegal in Denton and Argyle without affected landowners’ permission because the Coles’ home is within 250 feet. Outside city limits, people are generally at the drillers’ mercy — a discovery that incensed the Briar Creek neighbors.

“Our lives and our safety are not any less valuable because we don’t live in a corporate limit,” Jana DeGrand said.

State law offered one glimmer of hope. Jana DeGrand learned that cities are charged — in limited cases — with protecting the safety of residents in their “extra- territorial jurisdiction,” areas just outside city limits. After several phone calls, she and Jennifer Cole learned their neighborhood fell under Denton’s jurisdiction. Better yet, Denton’s gas well inspector agreed to investigate their concerns.

“It was like the heavens opened,” Jennifer Cole said.

Quantin Hix joined the city of Denton staff in 2002, ready to help with the city’s new gas drilling rules. As a former 13-year employee of Lone Star Gas Co., turned Atmos Energy, with a degree in city management, Hix was uniquely suited for the job of gas well inspector. City rules required all drillers, even those in the extraterritorial jurisdiction, to turn in their plans for review. Some drillers required development permits, homeowner complaints or a certain level of harassment. Hix wasn’t sure — but he’d never seen one refuse to comply after he sent out a violation notice.

In December 2005, at Jennifer Cole’s request, Hix inspected the Whitespot well site and found violations. Reichmann had no idea where pipelines were being installed, meaning anyone with a backhoe, including city utility workers, might rupture them and spark an explosion.

In a Dec. 26 letter to Reichmann, Hix threatened “further enforcement action” if the company didn’t comply. It wasn’t Hix’s first run-in with Reichmann. In early 2005, the company took over a well south of Country Club Road. Hix inspected the site and found violations. Reichmann then started on another well before it already abandoned the platting process.

As Hix learned, Reichmann had a pattern of perplexing government regulators. Reichmann started as Richman Petroleum Corp. in 1994, a creation of Dyke R. Ferrell and F. Erik Doughty. By 2006, as the company’s fight with Denton and the Brit Drive neighbors escalated, the railroad commission had fined the company twice for state drilling violations, and had five more enforcement cases pending in various counties.

“A good operator shouldn’t have any [cases] go to enforcement,” railroad commission spokeswoman Stacie Fowler said, “because we do try to give an operator an opportunity to come into compliance with our rules.”

In 2006, as spring gave way to summer, Denton leaders faced a crossroads. Reichmann questioned their power to enforce drilling rules outside the city limits, but city leaders believed state law was on their side. Sensing an impasse, the city sued Reichmann in state district court, saying the company’s refusal to follow city rules at seven pad sites was violating public safety. “If they’re not willing to voluntarily comply, we have no choice but to take action to force them to comply,” City Attorney Ed Snyder said of the unprecendented lawsuit.

Reichmann executives wouldn’t say much publicly, but they denied the city’s claims.

Meanwhile, Whitespot sat silent. A wood fence, roughly 8 feet tall, now separated it from Jennifer Cole’s backyard. In mid-July 2006, she told a visitor she hadn’t seen a worker there in weeks. The pressure, she said, was starting to pay off. Besides contacting the gas well inspector, she and her neighbors wanted to send a petition with nearly three dozen signatures to the City Council warning that failure to crack down on Reichmann’s code violations would embolden other drillers.

The neighbors scorned another concession when Hix said he would require a water-flow study for Whitespot. His inspection convinced him that the dirt work had changed the runoff. Not long after the pad site went up, a 2-inch rainfall left a stream of ankle-deep water between the Cole and DeGrand homes, Jana DeGrand recalled. The volume was unusual for that amount of rain, she said.

In late September 2006, the neighbors heard that Reichmann planned to settle the lawsuit out of court. On Sept. 25, the company filed maps for most of its sites, but not for Whitespot. Company officials told the city they weren’t sure what was required. “That leaves us flipping in the wind on the one that’s the biggest issue right now,” Hix vented.

The move also left city leaders unsure of how to handle the pending lawsuit. The city attorney, said he still wanted to send a message to other drillers to ignore the rules at their peril.

Still, the neighbors sensed that Reichmann was slowly slipping off the hook.

Since construction on the pad site started late in 2005, landowners Steve and Vanessa White had experienced their own frustrations. Steve White told a dirt mover to preserve an ancient oak tree; the man bulldozed it before his eyes, he recalled.

The pad site was only supposed to over 3 acres; workers used 4. And then there was Reichmann. The code violations embarrassed them greatly. It was sloppy, inex- cusable, Vanessa White said. But a deal was a deal. “The day you sign your name to that lease is the day you don’t really have any control either,” she said.

At the same time, the Whites believed their neighbors were harassing them. More than once they said they thought the drillers had stalled development in their yard. Early on, someone apparently cut through the buried-wire fence on the north end of their land and hauled off dirt in a wheelbarrow. One neighbor kept kicking walnuts balls into their yard, even after Steve White asked them to stop. Others threw things at their horses, they said.

The neighbors believed they didn’t do anything wrong and sometimes resented the neighbors’ meddling. Neighbors recalled some of the alleged occurrences of harassment, but “we were the targets of concerted harassment.

Any chance to settle the feud vanished on Sept. 26, 2006, when the Brit Drive neighbors went before the Denton City Council to urge the city not to ease pressure on the newly repentant Reichmann.

Waiting in their seats to address the council, some of the neighbors bitterly suggested suing the Whites, who were seated nearby and overheard the remark. The neighbors later claimed they didn’t know the Whites were there, but the damage was lasting. After the meeting, several neighbors offered to sit down, to talk things out, but the Whites refused. Everyone was too agitated, they thought.

Just before Christmas, Denton city leaders discovered Reichmann had filed for Chapter 11 bankruptcy, throwing the lawsuit into limbo. They’d have to wait until an automatic stay was removed before they could continue, the attorney said.

Hearing the news, Jennifer Cole worried the bankruptcy would keep the neighbors from resolving their flooding concerns. In the White’s case, “they are ultimately held responsible,” she said.

The following spring, the neighbor- hood’s fears were realized. On April 24, 2007, the heavens opened and relentless rain turned Briar Creek into a churning, rushing torrent, cutting off the neighbor- hoods from Hickory Hill Road for hours. Uphill, the dirt-and-rock plateau for Whitespot helped push the runoff helter- skelter over Brit Drive.

When Renae Lorenz finally got out that night, after the water receded, her Suburban was gone.

Runoff washed the vehicle off her drive- way and left it nose down in the creek bed, a jagged tree branch lodged through the windshield where a passenger’s head would be.

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Voicing the silence: Observations, studies show subtle, long-term effects of gas drilling

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VII. Texas Water Development Board, “The Estimated Number of Drilling Permits for Oil and Gas Deposits, 1990.”


XIII. “Does a fixed radius area of review meet the statutory mandate and regulatory requirements of being protective of USDWs (underground drinking water)?” Environmental Protection Agency Region 6.


Behind the Shale

A five-part series exploring urban gas drilling and an Argyle-area neighborhood’s struggle against it.
Neighborhood metamorphosis: Opponents, backers of gas wells take up life-altering battle

By Lowell Brown and Peggy Heinkel-Wolfe

Neighborhood metamorphosis: Opponents, backers of gas wells take up life-altering battle

In Wise County, Sharon Wilson kept a diary of poor practices she saw around her. A Lantana resident, Wilson, a Wise County neighbor who told her story to the Texas Observer had been threatened, so Wilson said she tried to stay anonymous. But blog posts grew increasingly popu-
lar — its site meter showing that certain financial records and failing to cover it. Deregulated, he said, it’s his. To this day, he’s been unable to sell his property to a buyer. In late November, he said, “even with that information I can’t legally sell it.”

At the Powell Barnett Shale Newsletter try not to pay much attention to radical opponents of urban gas drilling,” managing editor Will Brackett wrote in July. “After all, publicity is exactly what their main claim is, and it’s working.”

Among the first to speak before the council in September 2006, many key opponents turned over, including the mayor, the city manager, the planning and zoning director, and the city attorney who initiated the Reichmann lawsuit. Most critically to the city’s political survival was’ve been blamed on the tumult preceding Carrizo’s involvement. “Carrizo inherited the circumstances there,” he said. “In other places, we’ve been able to work through these issues.”

The city of Denton’s neighbor who’d told her story to the Texas Observer had been threatened, so Wilson said she tried to stay anonymous. But blog posts grew increasingly popu-
rather than to pay much attention to radical opponents of urban gas drilling,” managing editor Will Brackett wrote in July. “After all, publicity is exactly what their main claim is, and it’s working.”

Carrizo’s application and expressed concern about the wells’ proximity to homes. The city was forced to process the Denton city officials worked to process the application and said, “We’ll continue to do everything.”

Gene and Jennifer Cole, mindful of the Peninsula and its potential for four wells on the pad site. On Nov. 4, the Britte Drive neighbors made a final appeal to the City Council to deny the company’s plans.

Despite their pleas, the city did not demand a water flow study. City Planner Brian Panian, who had attended previous hearings, told the court that the law did not require one because the pad site was out of the city’s jurisdiction. However, an independent water review predicted that rainfall runoff would be “minimal” from the site because workers had added a compost berm and reserve pits.

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As an official in Austin considered Carrizo’s permit for the Whitespot well, Denton city officials worked to process the company’s application for a gas well plat, which showed the potential for four wells on the pad site. On Nov. 4, the Britte Drive neighbors made a final appeal to the City Council to deny the company’s plans.

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Neighborhood metamorphosis: Opponents, backers of gas wells take up life-altering battle

CHAPTER 5

My ordeal has darkened Jennifer Cole's views of the institutions she thought would protect her. She feels naive to have ever thought that she, a housewife and PTA volunteer, could beat back the gas industry, she said. Recently, a friend lamented about landowners not bothering to research their rights. "Maybe they don't care," Cole said, "because it doesn't make a difference."

At times, Cole seems resigned to the well's arrival. After three years of prayer, of writing to her elected officials, of digging for a silver-bullet ordinance, she's done all she knows to do. There is no one left to appeal to. There is nowhere else to go.

Postscript

Carrizo's drilling permit for Whitespot remained pending Wednesday. According to railroad commission spokeswoman Ramona Nye, the commission is asking the company to clarify which tracts are part of the pooled unit and to what extent, if any, the tracts are not leased. "Carrizo has responded to this request in part," Nye said by e-mail. "If Carrizo can provide some additional information required by the commission, the permit may be approved administratively, and no hearing would occur. If these issues cannot be resolved administratively, then a hearing would be required."

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