

JUSTICE NEWS

Department of Justice

Office of Public Affairs

FOR IMMEDIATE RELEASE

Monday, August 24, 2015

Former Saltwater Disposal Well Operator Indicted in North Dakota on Multiple Felony Charges

Jason A. Halek, 41, of Southlake, Texas, was indicted in federal court in Bismarck, North Dakota, on 13 felony charges stemming from the operation of a saltwater disposal well near Dickinson, in Stark County, North Dakota, the Justice Department announced.

Halek was charged with one count of conspiracy to violate the Safe Drinking Water Act and defraud the United States. He was also charged with four counts of violating the Safe Drinking Water Act, four counts of making false statements and four counts of obstructing grand jury proceedings.

The well, named the Halek 5-22, received "produced water" constituting "brine and other wastes" commonly and generically referred to as "saltwater." "Saltwater" in this context covers a wide array of drilling waste fluids, including hydraulic fracturing fluid, which is water combined with chemical additives such as biocides, polymers and "weak acids." The Environmental Protection Agency (EPA) has stressed that this water is often saltier than seawater and can "contain toxic metals and radioactive substances."

Previously, on Sept. 26, 2014, Nathan Garber pleaded guilty to multiple felony counts relating to the well.

"Our nation's energy independence and security is enhanced by the safe, responsible, and lawful extraction of domestic energy, but it is undermined when laws are abused in a race to profit," said Assistant Attorney General John C. Cruden for the Justice Department's Environment and Natural Resources Division. "The American people expect nothing less than legal behavior from those involved in oil and gas development and the Justice Department will vigorously prosecute those who do not honor this obligation."

"Oil and gas production must be safe and legal every step of the way, including the treatment and disposal of drilling byproducts," said Assistant Administrator Cynthia Giles for EPA's Office of Enforcement and Compliance Assurance. "People who deliberately violate rules that protect drinking water from contamination put communities at risk. These charges show that EPA takes this very seriously and will hold violators accountable."

According to the indictment, Halek conspired with others, including Garber, in a number of coordinated and illegal acts, including injecting saltwater into the well without first having the state of North Dakota witness a test of the well's integrity and continuing to inject saltwater after failing a Feb. 2, 2012 pressure test. Halek is also charged under the Safe Drinking Water Act with injecting fluids down the "annulus" or "backside" of the well in violation of the well's permit which required that fluids be injected through the tubing.

Further, Halek is charged with telling Garber to move a device called a "packer" up the wellbore in violation of the well's permit, without first getting approval from the state. Then, Garber allegedly gave false information to a state inspector regarding the depth of the packer.

Halek is charged with making multiple false statements to the state of North Dakota, including false statements about the depth of the packer. In addition, Halek is charged with obstructing and impeding a grand jury investigation into the matter, by withholding responsive documents and making false statements.

The case was investigated by EPA's Criminal Investigation Division. Significant cooperation was provided by the North Dakota Industrial Commission. The case is being prosecuted by the U.S. Attorney's Office for the District of North Dakota and the Environmental Crimes Section of the Justice Department's Environment and Natural Resources Division.

An indictment is merely a formal charge that a defendant has committed a violation of criminal laws and every defendant is presumed innocent until and unless proven guilty.

15-1037

Environment and Natural Resources Division

Updated August 24, 2015