



**United States Attorney's Office
Western District of Pennsylvania**

TWO OIL AND GAS DRILLING OPERATORS SENTENCED ON FELONY CONVICTIONS FOR VIOLATING THE SAFE DRINKING WATER ACT

Acting United States Attorney Robert S. Cessar announced today, June 24, 2010, that a resident of Sheffield, Pennsylvania and a resident of La Quinta, California, have been sentenced in federal court in Erie as a result of their felony convictions for violating the Safe Drinking Water Act by unlawfully injecting brine produced from an oil drilling operation.

United States District Judge Sean J. McLaughlin imposed the sentences on John Morgan, age 54, of Sheffield, Pennsylvania, and Michael Evans, age 66, of La Quinta, California. Mr. Morgan received a sentence of three years probation, a \$4,000 fine, eight months home detention and eighty hours community service. Mr. Evans received a sentence of three years probation, a \$5,000 fine, ten months home detention and one hundred hours community service.

According to information presented to the court by Assistant United States Attorney Marshall J. Piccinini, Evans was a 25 percent owner and Morgan was a site supervisor for Swamp Angel Energy, LLC, a Kansas company engaged in oil and gas development in the Allegheny National Forest. As part of the oil drilling process, a brine is produced, and the disposal of this brine is regulated by environmental laws, including the Safe Drinking Water Act. Often, drilling brine is transported to a waste water treatment plant, and a fee is paid for its lawful disposal. Brine can also be injected into non-producing wells, but only if a permit is obtained through the Safe Drinking Water Act's Underground Injection Control (UIC) Program. Acquiring a permit through the UIC program ensures the safety of underground drinking water sources. Swamp Angel had not obtained a permit authorizing the injection of brine, and from April 2007 to January 2008, 200,000 gallons of brine was unlawfully injected into a well.

Prior to imposing sentence, Judge McLaughlin stated that "Dumping of brine surreptitiously without permits circumvents the regulatory process and poses a significant threat to the environment." Judge McLaughlin stated that the deterrent message to the oil and gas drilling community in Northwest Pennsylvania is clear: "If you fail to comply with the regulatory scheme in the Allegheny National Forest, including the permitting provisions, there will be serious consequences"; "the desire to maximize profits or cut costs never trumps compliance with regulatory requirements across the board"; and "you cannot dump with impunity and essentially thumb your nose at the regulatory system."

According to EPA Special Agent in Charge Dave Dillon, the "EPA will remain vigilant and ensure that companies that knowingly violate environmental laws and profit at the expense of our federal and state parks and natural resources will be prosecuted to the fullest extent of the law."

Mr. Cessar commended the United States Forest Service and the United States Environmental Protection Agency Criminal Investigation Division for the investigation leading to the successful prosecution of Morgan and Evans.

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