

Department of Justice

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Saltwater Disposal Well Operators Sentenced on Multiple Felony Charges in Connection With Operation of Well

Two saltwater disposal well operators were sentenced in federal court in Bismarck, North Dakota, on felony charges stemming from the operation of a saltwater disposal well near Dickinson, in Stark County, North Dakota, the Justice Department announced.

Jason A. Halek, 44, of Southlake, Texas, was sentenced to three years supervised release and ordered to pay a fine of \$50,000. Halek will also be placed in a halfway house for up to one year as a result of today's sentencing. Halek previously pleaded guilty, on April 12, 2017, to three counts of violating the Safe Drinking Water Act.

Nathan R. Garber, 48, of Kalispell, Montana, was sentenced to three years supervised release. Garber previously pleaded guilty, on September 26, 2014, to one count of conspiracy to violate the Safe Drinking Water Act and defraud the United States. He also pleaded guilty to five counts of violating the Safe Drinking Water Act, two counts of making false statements, two counts of falsification of records, and one count of concealment or cover up of a tangible object.

Restitution for both defendants will be addressed at a future hearing.

"By illegally discharging contaminated wastewater, the defendants threatened the safety of drinking water and public health in North Dakota," said Acting Assistant Administrator Larry Starfield for EPA's Office for Enforcement and Compliance Assurance. "EPA and its law enforcement partners are committed to holding accountable those who break laws that protect clean water and that ensure natural resources are developed in a safe and responsible manner."

"This case is a great example of state and federal authorities working shoulder to shoulder to ensure that our precious natural resources in North Dakota and the Citizens of North Dakota are protected," said U.S. Attorney Christopher C. Myers for the District of North Dakota. "Those individuals who seek to exploit and damage our natural resources to increase their own personal wealth will be held accountable."

The saltwater disposal well, named the Halek 5-22, received brine and other wastes commonly referred to as "saltwater" from oil and gas operations. In the oil and gas context, "saltwater" covers a wide array of drilling waste fluids, including waste workover, completion, stimulation and pigging fluids, as well as enhanced recovery waters. Underground injection into a saltwater disposal well is prohibited without a permit, which imposes requirements on the well's operations to help ensure that the saltwater does not impact underground sources of drinking water.

According to an agreed upon factual statement previously filed in court, Garber admitted to conspiring with others in a number of coordinated and illegal acts. For instance, Garber injected saltwater into the well without first having the state of North Dakota witness a test of the well's integrity, causing a regulator to determine that there was no assurance as to the integrity of the well and that "the fluid could be going anywhere." Garber also violated a February 2012 order from the state to stop injecting until a well integrity test was done. When questioned by the state about these injections, Garber made false statements by denying that these injections occurred. After the well failed a pressure test in February 2012 Garber continued to inject saltwater even though he knew that the well did not have integrity and thus posed an increased risk of contaminating groundwater.

Further, Garber moved a device called a "packer" up the wellbore in violation of the well's permit, without first getting approval from the state. A properly placed packer is an essential device to maintaining integrity of the well and ensuring wastewater does not escape into surrounding soil and groundwater. Garber then gave false information to a state inspector regarding the depth of the packer. Despite illegally moving the packer, Garber continued to inject saltwater into the well until about March 2012, when a state employee shut the well in.

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

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