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Who's responsible?

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BALDWIN - Nancy Blanchard just wants her land restored to the way it used to be.

She's like thousands of Louisiana landowners who leased their property for oil and gas exploration since the first well was drilled near Jennings in 1901. Now that production has fizzled out, they want pollution and abandoned equipment removed from their land.

All I want is to get this property cleaned up," Blanchard said about a 150-acre portion of a 547-acre tract known as Park Plantation in west St. Mary Parish between Baldwin and Jeanerette. "I'm not after a fortune."

Blanchard and others are closely watching legislation dealing with oil and gas drilling site clean up requirements. But unlike others, her push to get contaminated soil and old equipment removed from her property may cause her to lose the land.

Private testing has found large amounts of mercury, arsenic, chlorides and radiation on the property that was first leased in 1942 to the Texas Company by Joseph A. Blanchard. Since then, ARCO, BP, Blanchard 1986 (no family members), TXO, Linder and Tortuga have worked the property.

Over the past 64 years, the companies have left behind leaky wells, a spider web of rusty pipes — many with holes rusted through them — oil processing and storage equipment, natural gas flow lines and mercury-filled pressure meters that leaked. Only one of 34 wells still has every-other-month production.

"There was no conscience then and there is no conscience now," Blanchard laments, recalling her battles with the companies and state agencies to get pollution removed. "This is wrong that this happens. If this happened here, how many times has it



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Beads of mercury can be seen in fresh soil dug from under a manometer Monday in the J.A. Blanchard Field.



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Nancy Blanchard holds a jar with soil that is contaminated with mercury that she dug up in the oilfield, which is named for her father and surrounds her home near Jeanerette.

happened in other places, to poor people who don't have the finances to fight or pay for private testing?"

One of the major complaints landowners expressed at hearings on Sen. Robert Adley's legislation calling for site cleanups, is that the Department of Natural Resources, through its Office of Conservation, does not regularly inspect exploration and production sites to detect pollution before it gets too bad.

In the Blanchard case, Brent Campbell of DNR said if the landowner had not complained and conducted the testing, "We would not have known there was a problem and wouldn't be where we are today."

Blanchard said she is pleased with the DNR response because her complaints received almost immediate action.

However, because of a strange clause in the settlement of a 1996 lawsuit signed by her then-83-year-old mother, calling for pollution cleanup endangers her claim to the property.

Betty Blanchard, who inherited the land when her husband died in 1961, filed suit in 1986 to break the long-standing lease with Atlantic Richfield because of non-production.

But instead of getting what she wanted, part of settlement reached in 1996 says any allegation of pollution allows the oil and gas companies there to purchase the production area and all mineral rights for \$800 an acre.

She later swore in a statement that she didn't know what her attorney advised her to sign.

"She wasn't very business-savvy and was gullible," said Paul Maclean, a property manager and long-time family associate who was a co-plaintiff in the lawsuit but was not involved in the settlement. "She was relying totally on legal counsel. In my view, they let her down."

Maclean said he did not sign the settlement and questions its legality.

Tortuga Operating Co. started pressing their claim in 2004 after Nancy Blanchard asked

state agencies for help and filed suit citing pollution on the property.

The Office of Conservation has issued seven compliance orders to aid in cleanup of the Blanchard property but most just called for clearing away brush that over the years had hidden several of the 34 wells on the 150 acres. The orders also forced the companies to replace leaky valves.

An Oct. 11, 2005, order directed Tortuga to conduct soil and groundwater testing to compare with the results of testing funded by Nancy Blanchard. Campbell said DNR sent the results to a lab for analysis, and if the samples confirm there is pollution, a cleanup order will follow.

"We have the responsible party do all the work" when pollution is found at a site, he said, and if follow-up testing finds that the job wasn't done right, they have to do it again, plus pay penalties for not complying with the original order.

"I'm sure there are similar sites out there," Campbell said. "Any site that is brought to our attention, we take action."

Bill Shramm of the Department of Environmental Quality said the Blanchard site is not unusual.

He estimates that since the 1920s, as many as 50,000 manometers — mercury-filled gauges commonly used at production sites and on natural gas pipelines to measure flow and pressure — were scattered around the state.

Manometers, discontinued because of better and less expensive technology, contained up to 12 pounds of mercury that operators occasionally emptied on the ground or in waterways and then refilled with mercury poured from a jar. Spills were common since they went into use in the 1920s.

On Blanchard's property, mercury is so prominent in one site that digging two inches into dirt under an abandoned manometer sends beads of the liquid metal rolling. DEQ, which is in charge of mercury cleanup, regardless of its source, already has remediated eight manometer locations on

the property but others remain in plain sight.

"Wherever you have oil and, primarily, natural gas production, there's a potential for these sites," Shramm said. "It's surprising how far back in the boonies you can find them. If they put in a gas well and they needed to monitor the flow, they'd put one right there. Usually, if two lines came together, they'd put one there, too."

A major problem DEQ has encountered in trying to clean up mercury is companies often moved manometers to other locations and the original site was unmarked, said Lewis "Dutch" Donlon, geology supervisor at DEQ.

"Some companies kept fairly decent records" of where the manometers were located, Donlon said, but others didn't, so many sites polluted with mercury will never be found.

Blanchard's deep water well contains arsenic and other dangerous matter.

"We don't drink it," she said. "We put as much equipment on it as we can but it still doesn't make it fit to drink."

Like many landowners carefully watching legislation that's headed for final approval in the House of Representatives, Blanchard wonders whether it will help her in her fight to get pollutants removed.

After her experience with oil companies, though, she's concerned about the proposed law.

"If this legislation was constructed by oil companies, whether independent or not, the people of Louisiana are probably not being served," she said.

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