

Jeff Civins in Law360: Texas Quake Findings Likely to Deter Civil Suits

November 4, 2015 Jeff Civins

PRACTICES Environmental, Environmental Due Diligence, Environmental Litigation, Remediation and Brownfields Developments

The Texas Railroad Commission's Tuesday decision to leave intact disposal well permits for XTO Energy and EnerVest shows how difficult it is to prove earthquakes are tied to oil and gas drilling activities and will have a deterrent effect on any civil litigation tied to seismic activity, lawyers say.

On Tuesday, the commission adopted two sets of findings issued by administrative hearing examiners that determined there's not enough evidence wastewater disposal wells operated by XTO Energy Inc. and an EnerVest Ltd. subsidiary "likely contributed to seismic activity" around the Barnett Shale. The formal adoption of findings followed two show-cause hearings at which XTO and EnerVest risked losing permits that allow them to operate wells that inject wastewater into the Ellenberger formation beneath the Barnett Shale ...

[Jeff Civins](#), an environmental lawyer at Haynes Boone LLP, said energy companies are a lot more sensitive today to allegations their operations could have impacts that could cause people to be concerned. They're falling in line with the regulatory requirements that have so far been put in place and are keeping eyes and ears open for potential problems, but they haven't yet undertaken any mass data collection or industrywide studies addressing the seismic activity, he said.

"Companies are sensitive to the potential their activities could cause earthquakes," Civins said. "They're going to comply with regulations to the extent they exist, but I'm not aware of any industry-sponsored initiatives."

Excerpted from *Law360*. To read the full article, [please click here](#) (subscription required).