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Department of Justice

Office of Public Affairs

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Charges Filed in Connection with Texas Oilfield Deaths

A federal grand jury in Midland, Texas, returned an indictment charging an oilfield company and an executive of the company with worker safety and environmental crimes.

According to court documents, Aghorn Operating Inc. owns and operates oil wells and leases in Texas. Aghorn and Trent Day, Vice President of Aghorn, were indicted for violating the Clean Air Act relating to releases of hydrogen sulfide from an Aghorn facility, as well as obstructing an Occupational Safety and Health Administration (OSHA) investigation. Aghorn was also charged with three worker safety OSHA crimes for causing the death of an Aghorn employee. In addition, Aghorn and Day, along with another corporation, Kodiak Roustabout Inc., were charged with violating the Safe Drinking Water Act and making false statements regarding the mechanical integrity of Aghorn injection wells in forms and pressure charts filed with the State of Texas Railroad Commission.

The charges are the result of an investigation of the Oct. 26, 2019, death of Aghorn employee, Jacob Dean and his wife, Natalee Dean. Both were overcome by hydrogen sulfide, a poisonous gas, at an Aghorn facility in Odessa.

"The Justice Department will protect and defend the right to a safe workplace, and we will prosecute those who violate federal law aimed at keeping workers safe," said Assistant Attorney General Todd Kim for the Justice Department's Environment and Natural Resources Division.

"Our nation's environmental laws are designed to protect our communities and workers from hazardous pollutants," said Assistant Special Agent in Charge Todd "Tony" Adams of EPA's Southwest Area Criminal Investigation Program. "Today's indictments demonstrate that companies intentionally violating those laws and endangering others will be held responsible for their crimes."

According to the allegations in the indictment, on the night of the incident, Jacob Dean responded to a call to check the pump house at the facility, an enclosed building with two bay doors. His wife, Natalee Dean, knew where Jacob had gone, and started calling him when he did not return in a timely manner. When those calls went unanswered, Natalee drove to the station with her two children, aged nine and six. A pump had failed in the pump house, causing a leak of produced water containing hydrogen sulfide. Jacob had been overcome by hydrogen sulfide in the pump house, and when Natalee arrived at the station, she exited the vehicle and proceeded to the pump house, where she too was overcome by the gas. Both Jacob and Natalee were found dead by the first responders to the scene.

The indictment stated that: "Aghorn was aware that its produced water contained high amounts of H₂S as well as the deadly nature of the gas." Aghorn and Trent Day allegedly "knowingly violated their general duty to prevent the accidental release" of hydrogen sulfide and also knowingly "placed another person in imminent danger of death or serious bodily injury."

OSHA began an investigation two days later. The indictment alleges that Aghorn and Day obstructed the OSHA investigation, arising out of statements made by Day to OSHA in two separate interviews.

The mechanical integrity of an injection well must be evaluated by conducting pressure tests or alternative testing methods approved by the Railroad Commission. In evaluating the results of a pressure test, the Railroad Commission considers the level of pollution risk that loss of well integrity would cause. Aghorn operated numerous produced water injection wells, and submitted purported well pressure test results to the Railroad Commission. The indictment alleges that the defendants made false statements regarding the mechanical integrity of Aghorn injection wells in forms and pressure charts filed with the Railroad Commission.

If convicted, a federal district court judge will determine any sentence after considering the U.S. Sentencing Guidelines and other statutory factors.

The case was investigated by the EPA's Criminal Investigation Division. Senior Trial Attorney Christopher Costantini and Trial Attorney Mark Romley of the Environment and Natural Resources Division's Environmental Crimes Section are prosecuting the case.

An indictment is merely an allegation and all defendants are presumed innocent until proven guilty beyond a reasonable doubt in a court of law.

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