

Lawsuit has broad implications for fracking across continent, lawyer says

Kelly Cryderman, Vancouver Sun, 4-28-11

CALGARY — The lawyer leading a \$33 million lawsuit against energy company Encana, the Alberta government and the province's energy regulator says the case speaks to broader environmental concerns across North America about fracking.

"It's very much the same issues all over," said Murray Klippenstein, a Toronto-based litigator.

Klippenstein is representing landowner Jessica Ernst, who has long argued that coal-bed methane drilling around her Rosebud-area home northeast of Calgary has resulted in the pollution of her well water.

"The hydraulic fracturing issues that Jessica raises in her lawsuit are coming up more and more publicly, with more and more concerns, not only in Alberta, but in B.C. and Quebec, and all over the United States," he said.

A lawsuit filed in Drumheller last week alleges Encana, Alberta Environment and the Energy Resources Conservation Board are all responsible for damages — she claims the natural gas giant for faulty drilling practices, and the government and board for failing to properly investigate or enforce the province's environmental rules.

Ernst is demanding more than \$10 million from each.

"I'm doing this case for all Albertans, and for our water. I'm not doing this for me," Ernst said at a news conference in Calgary on Wednesday.

None of the claims have been proven in court.

Fracking, or hydraulic fracturing, is a process of blasting fluid or gas underground to break up subsurface rocks to force natural gas up and out. It's used by drillers to tap unconventional natural gas resources, such as coal-bed methane or shale gas.

Industry representatives say talking about drilling practises in Ernst's area alongside those used in the United States — where a number of concerns about injected chemicals have been raised — is comparing apples and oranges.

Mike Dawson, president of the Canadian Society for Unconventional Gas, said in the Horseshoe Canyon coal stream area — an underground formation that extends from just south of Edmonton to an area southeast of Calgary — companies are using pure nitrogen to frack. "And as far as we know, no chemical additives."

In other parts of the province, propane is used for fracking. Dawson said he's concerned Albertans are being confused by information on fracking they're hearing from a variety of sources.

"It's very easy for the general public to become confused and misled."