

Jessica Ernst
Box 753 Rosebud
Alberta
T0J 2T0

June 8, 2006

Mr. Rick McKee
Alberta Energy and Utilities Board
14th Floor, 640-5th Avenue S.W.
Calgary, Alberta, T2P 3G4

Dear Mr. McKee,

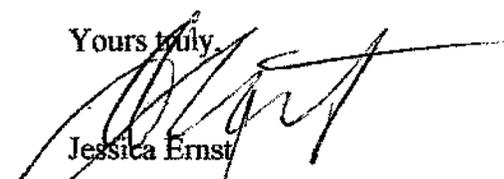
Re: Summary of Questions

I provide for your convenience a summary of my questions:

1. Why has the regulator allowed the petroleum industry to risk Alberta groundwater when safeguards could so easily have been implemented before the experiments took place?
2. Why has the regulator allowed energy industry approvals processing to escalate at the expense of human rights, public health and safety, and the environment?
3. What are the solvents and other mystery chemicals used by the petroleum industry to clean conventional and non conventional gas and oil wells?
4. How do we bring the mandate of the regulator back into balance for all Albertans and our environment?

I respectfully request consideration of my questions as I believe the answers are vital to restoring citizen trust in the regulator and ensuring adequate protection of human rights, health and safety and Alberta's environment, notably groundwater.

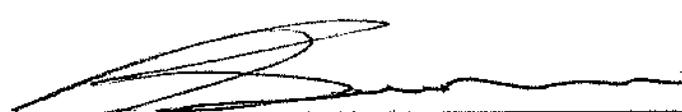
Yours truly,


Jessica Ernst

Witnessed on this date by:

Received June 8/06

Mr. Rick McKee


Dr. David Swan

M. Jeremy Klaszus

Mr. Tadzio Richards

Jessica Ernst
Ernst Environmental Services
Box 753 Rosebud, AB T0J 2T0

May 31, 2007

Mr. Peter Watson
Deputy Minister, Alberta Environment
10th Floor, Petroleum Plaza South Tower
9915-108 Street
Edmonton, AB T5K 2G8

Sent by Email as PDF

Dear Mr. Watson,

Thank you for your letters dated April 19, 2007 and May 17, 2007.

You wrote in your May 17, 2007 letter:

“Thank you for your letter dated May 10, 2007, regarding the concerns raised about EnCana’s level of compliance with the Baseline Water Well Testing Standard. Alberta Environment has met with the Energy and Utilities Board (EUB) to discuss this issue.

Upon the EUB’s review, it was determined that EnCana has met the Baseline Water Well Testing Requirements of EUB Directives 35 and 36, specifically that the offer to test was made. EnCana made considerable effort to ensure that your water well was surveyed, that the offer to test was made and has documented your refusal in both regards. Alberta Environment and the EUB agree that when a company has made the offer to survey and test a water well on multiple occasions, as EnCana has, and the landowner repeatedly does not indicate their willingness for surveying or testing, the landowner has refused.”

And in your April 19, 2007 letter:

“Alberta Environment (AENV) is committed to the successful implementation of the April 2006 Standard for *Baseline Water-Well Testing for Coalbed Methane/Natural Gas in Coal Operations* (the Baseline Standard). For the Baseline Standard to be successful we need coalbed methane developers to adhere to the landowner permission/refusal requirements. Alberta Environment will work with the Energy and Utilities Board (EUB) to develop guidance documents or protocols and to ensure the requirements of the Baseline Standard are enforced.

The EUB has assured me they are investigating Encana's compliance with the landowner Permission/refusal requirements. I will await the findings of the EUB's investigation prior to assessing AENV's next steps, but I have been assured by the EUB that the Encana letter you sent me is only the last step in a multi-step process to acquire landowner direction.”

I have a few questions and requests. I have numbered them to ensure that none get overlooked.

1. In regards to your April 19, 2007 statement above, on what page of the Standard are “last step” actions outlined and where are permissible methods of “implied refusal” listed?

2. Who at the EUB advised you of the “last step” actions being taken in my case?
3. You state in your May 17 2007 letter (refer above for the quote) that EnCana has documented my refusal to allow the company to survey and test my water well. Please send my documented refusal ASAP.
4. Are proponents allowed to create “implied refusal” conditions that are impossible for the landowner to deal with (e.g. sending offers to test long after they have expired)?
5. You write in your May 17, 2007 letter that AENV met with the AEUB to discuss my concerns about EnCana’s non-compliance. Please send a copy of the list of attendees and the date, time and location of the meeting. If EnCana staff were present, either as EnCana staff or members of CAPP or CSUG or any other organization, please include them on the list. Please send the contact information for all attendees.
6. Please send a copy of the meeting notes.
7. Which letters by EnCana that I sent to the Honourable Environment Minister Boutilier on November 1, 2006 and resent to the Honourable Environment Minister Renner on February 23, 2007, did you review with the AEUB in this meeting?
8. Did you review the postal tracker that I included with the EnCana letter sent to me?
9. Did the AEUB, you or your staff review the refusal documentation provided by EnCana to the AEUB?
10. The AEUB states that a survey plan **or** map is to be included in the application for CBM wells above the Base of groundwater protection, but does not state that a survey is required. I am confused by what EnCana and the regulators are playing at. The AEUB recently presented in writing (March 2007) that for completions and re-completions, industry ***must meet AENV Water Well Testing Standard***. You are now writing that the AEUB and AENV have changed the requirements. Please send me links to the Directive or AEUB or AENV Bulletin or Information letter sent out indicating this change.
11. My question is whether or not EnCana was compliant with **AENV’s Baseline Testing Standard (not AEUB Directives)**. I know that EnCana made an offer to test. I question **how** EnCana made the offer. I question EnCana’s ability to use “implied refusal” instead of obtaining my refusal in writing. I question this not only for my water well, but also for those of other landowners in the province. Please respect my questions and refrain from altering them to avoid regulatory responsibility.
12. Please review the many unaddressed questions and concerns that I wrote Mr. Mark Taylor of EnCana in 2006 (attached below for your convenience), notably:

“I have a few questions about your request that you sent to me in an email dated August 29, 2006 (for your convenience, I also included it below). In order for me to respond to EnCana's request, I need appropriate response and documentation from EnCana in a timely manner please. After I have received the information I respectfully requested of EnCana, and have had time to review it, I will be able to respond responsibly.”

You state in your May 17, 2007 letter that I have repeatedly not indicated my willingness to allow testing. Please send the documented evidence wherein I take back my statements I wrote to Mr. Mark Taylor above.

13. Are the AEUB and AENV suggesting that I respond **irresponsibly**, without the required information from EnCana that I need to make an informed decision?
14. How do I protect my water supply and that of my neighbours, indeed the Crown, if I am uninformed about EnCana's intentions with my well, and property?
15. Why would the regulators even allow the company to test any area water wells in the middle of such a serious groundwater contamination investigation, and after the company put our aquifers at risk and violated the Water Act?
16. AENV's Baseline Testing Standard states:

"If a landowner/occupant does not want his/her water well tested, the company **must** obtain written confirmation from the landowner/occupant that testing is not required. If written confirmation is refused, a company representative **must** diarize landowner/occupant's refusal and the CBM developer **must** deliver to the landowner/occupant, and retain a copy of, a notice describing this protocol."

Please send me ASAP copies of:

- The written confirmation signed by me stating that the testing by EnCana was not required;
- EnCana's diary notes summarizing my statement to the company that I refused testing and refused to sign the company's written refusal confirmation offered to me by the company representative; and
- EnCana's notice describing to me the company's protocol for this that was provided to me by the company at the time that EnCana documented me refusing the testing and refusing to sign the confirmation of testing.

Thank you for your prompt, cooperative and complete responses and for mailing me the support documentation to support your claims.

Sincerely,

jessica ernst

Jessica Ernst
Ernst Environmental Services

Cc Premier Stelmach
MLA Dr. Lyle Oberg
And others as on the email list

**ATTACHMENT: CORRESPONDENCE BETWEEN ERNST AND ENCANA RE SURVEY
AND OFFER TO TEST, AUGUST/SEPTEMBER 2006**

Subject: Re: Your September 4th email

Date: Mon, 11 Sep 2006 22:04:42 -0600

From: jessica <ernstj@telusplanet.net>

Reply-To: ernstj@telusplanet.net

To: Taylor, Mark <Mark.Taylor@encana.com>, Neil McCrank <neil.mccrank@eub.gov.ab.ca>, Knull, Stacy <Stacy.Knull@encana.com>, greg.melchin@gov.ab.ca

CC: Bev Yee <Bev.Yee@gov.ab.ca>, Premier@gov.ab.ca, Hon Guy Boutilier <gboutilier@assembly.ab.ca>, Brenda Austin <brenda.austin@gov.ab.ca>, Curtis Evans <curtis.evans@gov.ab.ca>, David Swann <David.Swann@assembly.ab.ca>, Strathmore.Brooks@assembly.ab.ca, Leo Touchette <leo.touchette@gov.ab.ca>, Leslie Miller <Leslie.Miller@gov.ab.ca>, jennifer.deak@wheatlandcounty.ca, Al Smandych <Al.Smandych@gov.ab.ca>, Mary Griffiths <maryg@pembina.org>, Walter Ceroici <Walter.Ceroici@gov.ab.ca>

References: <7BB29C815E62A14B9E65D11FB2BA7324081A7D45@cgyex003.encana.com>

Jessica Ernst
Box 753 Rosebud AB
T0J 2T0
Landowner P/O SE13-27-22-W4M

Dear Mark,

Thank you for your email in red dated September 7, 2006 (included below for your convenience). Your email came without the required scientific evidence, published in peer reviewed journals, to prove that EnCana's many new drilling, recompleting, perforating, fracturing and commingling activities of gas wells in Sections 14 and 13 have not and will not, in any way, alter conditions vital to the investigation of natural gas migration into area groundwater and water wells. Evidence did not arrive on September 8, 2006 either, thus it appears EnCana and the regulators have none. On Saturday, September 9, 2006, frac trucks were back.

An honest, accurate investigation here seems to have vanished from sight.

Why, of the many sections in Alberta that EnCana has mineral rights in, is EnCana so busy in or near the very section where, in 2004, the company perforated and fractured into fresh water aquifers? Is EnCana busy commingling these gas wells (that are likely critical to this investigation) to ensure that accurate isotopic fingerprinting of gases sampled from them will be impossible? Is it duly diligent for a company to alter conditions of its gas wells during a serious groundwater contamination investigation? What if the Alberta Research Council needs to collect its own gas samples from area gas and water wells to send to the U of A for isotopic analysis, but finds that all the critical gas wells have been commingled?

It was recently reported in the Strathmore paper, that EnCana had offered to Wheatland County to collect "baseline data" on the hamlet of Rosebud water wells. Please explain EnCana's scientific reasoning for collecting "baseline data" years after perforating and fracturing into fresh water aquifers and drilling so many gas wells in the area.

Would you please advise me when EnCana is going to send the signed letter assuring that EnCana is willing to fully cooperate in a scientifically complete, and honest investigation here, without potential tampering of evidence (see below for more details). There remains a contradiction between what your emails say, and what Mr. Cam Kline stated in public. What you emailed me in red, is not what I asked for. Mr. Leo Touchette of the AEUB ordered me to never believe any promises or assurances any petroleum company makes me, unless they

are obtained in writing on paper with a signature and written precisely as required to be able to hold the company accountable in the event the the company breaks a promise or if it is proven that the company's assurances turn out to untrue or unfounded.

I have included my email to you dated Sept. 4, 2006 below. In it I underlined my questions you did not answer and my requests and concerns that you did not respond to.

I have a few questions about your request that you sent to me in an email dated August 29, 2006 (for your convenience, I also included it below). In order for me to respond to EnCana's request, I need appropriate response and documentation from EnCana in a timely manner please. After I have received the information I respectfully requested of EnCana, and have had time to review it, I will be able to respond responsibly.

Please answer these additional questions below, as well as my past questions, on paper, with a signature and EnCana letter head. Thank you. My questions are as listed:

Re – EnCana's recompletion of the 7-13-27-22-W4M gas well and surveying and testing of my water well

What depths will EnCana be perforating and fracturing at?

Will EnCana provide gas samples for composition and isotopic fingerprinting before commingling the 7-13 gas well?

Will EnCana allow me to choose the consultants to test my well? If yes, thank you; if not, why not?

When does EnCana anticipate doing the perforating and fracturing?

Will EnCana wait until after the natural gas contamination investigation is complete? If yes, thank you, if no, why not?

Will EnCana send me EnCana's gas sampling protocol (including safety requirements) for testing water wells contaminated with natural gas?

Will EnCana also send me EnCana's third party consultant's natural gas sampling protocol (including safety requirements) for testing water wells contaminated with natural gas?

Will EnCana send me the company's safety protocol for surveying property that might have natural gas migrating to surface, and in the water well to be surveyed?

Will EnCana send me a letter from Occupational Health and Safety, approving EnCana's safety protocol for surveying and testing my water well?

Will EnCana assume legal responsibility in the event of a fire, explosion, injury or fatality during the surveying and testing of my well?

Who will complete the survey and will I get a copy of the survey when it is complete?

Would you please send me the survey company's contact information so that I may discuss the details of the survey with them and their safety protocol?

Would you please send me the survey company's contact information so that I may discuss the details of the survey with them and their safety protocol?

When will the new and recompleted gas wells in Sections 13 and 14 be tested? Will any venting take place? How much? How long will each of the new gas wells be tested for? How will EnCana deal with the extensive noise that this cumulative testing will cause at my property? Will all the gas wells be tested at the same time? How will EnCana ensure the testing noise does not violate my legal right to quiet enjoyment of my property and home and will not disrupt my sleep?

Is EnCana going to tie in these recompleted and new wells into the K101 compressor? If EnCana ties in these many new wells to the compressors neighbouring my property, how is EnCana going to mitigate the increased K101 compressor noise? Keep in mind that the AEUB acceptable noise levels are only the barest of expected minimums. Due diligence requires that EnCana mitigates affects, and respects my legal rights. Please detail how EnCana plans to respect my legal rights.

Please refer to the underlines in my email included below - these are items you neglected to respond to in your September 7, 2006 email. I respectfully request appropriate response. Thank you.

Sincerely,

Jessica Ernst

Taylor, Mark wrote:

Good morning Jessica,

I would like to reiterate that EnCana has cooperated fully with all of the regulatory agencies investigating ground water complaints in the Rosebud area. EnCana supports these investigations 100% and has complied with all requests from the regulators. As such, all of the regulatory agencies have had complete access to EnCana's well files, and to our wells and well sites.

EnCana is not privy to the details or progress of the investigations, and we respectfully request that you contact the regulatory agencies for any information we may have provided as part of the investigation process.

Sincerely, Mark Taylor

underlined areas require appropriate response and documentation.

Dear Mark,

Thank you for your email dated August 31, 2006.

I am pleased that EnCana is confident that its current activities in section 14 will have no possible affect on the regulator's groundwater contamination investigation here because this must mean that EnCana has the scientific evidence, published in peer reviewed journals, to back up its claim. Please send this scientific evidence to me. You can email the evidence, or send it by post. Thanks Mark. If I do not receive this evidence by Sept 8, 2006 I will have to assume there is none. If you do not have the authority to send this evidence to me, I respectfully ask Mr. Knull, Ms. Yee and Mr. Mckee to find someone who does.

It is interesting to read from your words (attached below) that EnCana has been and is cooperating fully in this investigation. Mr. Cam Cline of EnCana stated publicly a few months ago that EnCana does not have to and will not cooperate fully in this investigation. To clarify this confusion, please send me a signed letter from EnCana stating that the company is willing to cooperate fully in this investigation, will allow the regulator to test area gas wells to find the ones that might be leaking gas to surface and thereby possibly into our aquifers, and provide Dr. Muehlenbachs samples from any leaking gas wells, as well as gas samples from all frac depths for all types of gas wells in the area - conventional and non, including the 5-14-27-22-W4M gas well. If EnCana has already provided these samples to the University of Alberta, then just include a list of the legal land descriptions for all the gas wells that EnCana provided gas samples for with your letter. If I do not receive this clarification letter by Sept 8, 2006, it would appear that Mr. Cline stated EnCana's position accurately and that the company is not willing to cooperate fully in this investigation.

Please send me the tower reports for the gas wells drilled in sections 14, 12 and 13, new and old, and a summary of proposed activities in these sections. If EnCana has nothing to hide [about the recompletion of 7-13], EnCana will happily send me this information. Since you say that EnCana tested all the water wells within the testing distance of its drilling operations, please send me the legal land descriptions of the water wells EnCana tested for the re-completion and fracturing of the 8-14 gas well.

Please let me know when I can expect the above requested documentation. Once I have reviewed this documentation, I will be able to get back to you with a response regarding your request to survey in my water well.

One of your statements on August 31 was:

"EnCana is committed to responsible development of Alberta's natural gas resources and takes the protection of groundwater very seriously."

The stress of losing one's water is bad enough; to deal with EnCana's busy activities in the middle of an investigation adds undue stress that EnCana could easily have prevented. Why would EnCana not want to prove to us that the company takes ground water protection "very seriously" and show full and open cooperation in this investigation instead of potentially tampering with it?

Sincerely,

Jessica Ernst

Taylor, Mark wrote:

Good afternoon Jessica,

I want to confirm that we received your email of August 30th.

EnCana is aware of ongoing investigations of water wells in the Rosebud area. EnCana has been cooperating fully and regularly with the various agencies that are investigating claims of natural gas contamination and we are confident none of our activities will affect the outcome of these investigations. EnCana is committed to responsible development of Alberta's natural gas resources and takes the protection of groundwater very seriously. Our operating practices are continually reviewed to ensure we do not have a negative impact on groundwater.

The fracturing of the dry Horseshoe Canyon CBM zones to recomplete the existing 8-14-27-22 W4M well occurred as scheduled this morning. As per our operating procedures there were no coal seams shallower than 200m fractured in this well. The fracturing operation involved pumping pure nitrogen into the coal seams. EnCana has completed all of the required water well testing in the vicinity of this well and we are confident that completion of this well will not impact the groundwater in this area. The four wells that EnCana drilled in section 14 last month are targeting conventional sand formations between 1100m and 1400m below ground.

Respectfully yours,

Mark Taylor

-----Original Message-----

From: jessica [<mailto:ernstj@telusplanet.net>]

Sent: Wednesday, August 30, 2006 11:28 AM

To: Taylor, Mark; Knull, Stacy

Cc: Premier@gov.ab.ca; Hon Guy Boutilier; Bev Yee; Brenda Austin; Curtis Evans; Rick McKee

Subject: Urgent request

Dear Mark and Stacy,

Thank you for your email Mark. I will get back to you regarding your request soon. I have a request for you both that is much more urgent.

Perhaps EnCana is not aware that there are currently a number of area water wells, including those supplying the hamlet of Rosebud (we are still awaiting the U of A's isotopic fingerprinting results for the hamlet's water supply), under investigation by the regulator for natural gas contamination.

I respectfully request that EnCana postpone the fracturing of its wells that is about to take place in section 14-027-22-W4M (this is the section where EnCana fractured into our aquifers) and in any other sections around the community until after the regulator's investigation is complete here. The drilling, perforating and fracturing of additional wells, including the 07-13 well recompletion you write about below, might alter evidence critical to the regulator's investigation.

Representative and accurate data collection and analysis on water wells here might protect groundwater elsewhere. I am sure that EnCana wants to cooperate with the landowners and regulators in Alberta to protect groundwater and ensure that representative, accurate data is collected. We cannot take back EnCana's unfortunate fracturing into our fresh water aquifers, but we can move forward and learn from it. The Trican trucks are on site in section 14 and appear prepared to fracture today. EnCana agreed not to conduct new activities on one landowner's property here until after the regulator's investigation is complete; it seems inconsistent for EnCana to drill and fracture so many new wells in the very section where the company fractured into our

fresh water aquifers in 2004. Please take prompt action to protect the investigation here and our opportunity to learn and move forward cooperatively.

Perhaps the regulators neglected to tell EnCana about the serious, community wide, water well contamination investigation underway here. To verify that this investigation is indeed taking place, please contact our Honourable Minister of Environment. I have cc'd him this email for your convenience. We have requested, in writing, to the regulators that they request a postponement on activities by EnCana in our area, including the wells about to be frac'd, until the investigation is appropriately complete.

Sincerely trusting you will take responsible action to respect and protect the regulator's investigation here, and postpone activities until after the investigation is accurately complete. Thank you.

Respectfully yours,

Jessica Ernst

Taylor, Mark wrote: Good afternoon Jessica, my team is currently evaluating the potential of recompleting one of our Viking gas wells (100/07-13-027-22W4) for Horseshoe Canyon CBM. As you are very likely aware the current regulations for water well testing prior to CBM drilling or recompletions calls for testing all water wells with 600m and if there are no water wells within 600m then to test any wells within 800m.

At present we have not identified any water wells within 600m of the 07-13 location. It appears from our County map that your residence/water well may be within 800m of the 07-13 well.

EnCana would like to request your permission to survey the location of your water well to determine its distance from the 07-13 well.

If you have any questions or would like to discuss this request please call me at 645-6718.

Thank you for your time,

Mark

----- Original Message -----

Subject: EnCana compliance with AENVs Baseline Testing Standard

Date: Thu, 22 Feb 2007 22:37:16 -0700

From: jessica <ernstj@telusplanet.net>

Reply-To: ernstj@telusplanet.net

To: Honourable Rob Renner Environment <medicine.hat@assembly.ab.ca>, rob.renner@assembly.ab.ca

CC: Strathmore Brooks <Strathmore.Brooks@assembly.ab.ca>, Hon Guy Boutilier <gboutilier@assembly.ab.ca>, cypress.medicinehat@assembly.ab.ca, Honourable Ed Stelmach Premier <fortsaskatchewan.vegreville@assembly.ab.ca>, Honourable Mel Knight Energy <grandeprairie.smoky@assembly.ab.ca>, iris.evans@assembly.ab.ca, jordon.copping@gov.ab.ca, Neil McCrank <neil.mccrank@eub.gov.ab.ca>, Leo Touchette <leo.touchette@gov.ab.ca>, Rick McKee <Rick.McKee@gov.ab.ca>, Brenda Austin <brenda.austin@gov.ab.ca>, Curtis Evans <curtis.evans@gov.ab.ca>, Darren Bourget <Darren.Bourget@gov.ab.ca>, Leslie Miller <Leslie.Miller@gov.ab.ca>, Heather von Hauff <Heather.vonHauff@gov.ab.ca>, Martin Foy <Martin.Foy@gov.ab.ca>

Jessica Ernst
Ernst Environmental Services
Box 753 Rosebud AB T0J 2T0

February 23, 2007

Hon. Minister of Environment

Re: Compliance with Alberta Environment's Baseline Testing Standard

Dear Honourable Renner,

Congratulations to you on your new position. I am hoping that you have had opportunity to become aware of ongoing concerns regarding water contamination in the Rosebud/Redland area.

I have many outstanding questions awaiting response from the staff of your ministry. I trust that the Honourable Boutilier has passed along my file. I enclose below my correspondence intended for Mr. Boutilier and the receipt tag showing that he deleted, without reading, my email. It contains very important questions. The responsibility of a reply and dealing with EnCana's use of "implied refusal" now rests with you.

Subject: EnCana's Compliance with the Baseline Testing Standard

Date: Wed, 01 Nov 2006 23:09:11 -0700

From: jessica <ernstj@telusplanet.net>

Reply-To: ernstj@telusplanet.net

To: Hon Guy Boutilier <gboutilier@assembly.ab.ca>

CC: Neil McCrank <neil.mccrank@eub.gov.ab.ca>, Leo Touchette <leo.touchette@gov.ab.ca>, Walter Ceroici <Walter.Ceroici@gov.ab.ca>, Bev Yee <Bev.Yee@gov.ab.ca>, Darren Bourget <Darren.Bourget@gov.ab.ca>, Leslie Miller <Leslie.Miller@gov.ab.ca>, Curtis Evans <curtis.evans@gov.ab.ca>, gkoester@telusplanet.net, Rick McKee <Rick.McKee@gov.ab.ca>, Mary Griffiths <maryg@pembina.org>, Jennifer Deak <jennifer.deak@wheatlandcounty.ca>

Jessica Ernst, President
Ernst Environmental Services (611640 Alberta Inc.)
Box 753 Rosebud AB
T0J 2T0

Nov 1, 2006

Hon. Minister of Environment

Re: EnCana's Compliance with Alberta Environment's Baseline Testing Standard.

Dear Honourable Minister,

I trust all is well with you and yours.

Thank you for your letter responding to my queries about the Jack water well explosion. **Please let me know the outcome of the regulator's investigation there when it is complete. I am very interested to see the isotopic fingerprinting results and your Ministry's conclusions. I am even more interested to know which area petroleum wells around the Jacks the regulator is sampling to use in the fingerprinting analysis and to test for possible leaks, and whether the regulator is choosing these industrial wells or the area proponents are (it's the old robber caught in the bank question again).**

Please review the attached letters by EnCana and advise me if they are compliant with your Ministry's Baseline Testing Standard. If not, please detail in writing how they are not, and what punishment EnCana will receive, if any.

The September 12 letter was left in an EnCana plastic bag on a landowner's outside door knob on a tremendously windy day.

The September 22 letter was taken to the post office on October 30 - the postal tracker is included for your convenience. This letter had the Baseline Testing Standard attached in full, so i would expect that EnCana knows what it says.

Thank you for attending to my requests promptly and with accountability.

Sincerely,

jessica ernst
Ernst Environmental Services (611640 Alberta Inc.)

Your message To:Fort McMurray-Wood Buffalo Cc:Neil McCrank;
Leo Touchette; Walter Ceroici; Bev Yee; Darren Bourget; Leslie
Miller; Curtis Evans; gkoester@telusplanet.net; Rick McKee; Mary
Griffiths; Jennifer Deak

Subject: EnCana's Compliance with the Baseline Testing Standard

Sent: Wed, 1 Nov 2006 23:09:11 -0700 **was deleted without being read on Sun, 5 Nov 2006 21:06:26 -0700**

AEUB staff acknowledged receipt of the above email; AENV staff did not. When our Honourable Boutilier deleted my email without reading it, I resent my concerns about EnCana's violation of the Standard to Ms. Leslie Miller with AENV on November 7, 2006. She responded in writing on November 10, 2006, advising me that the AEUB enforces the Standard. I wrote the Chairman of the AEUB on December 8, 2006 asking him who is responsible for compliance with the Standard. Mr. Rick McKee, lawyer with the AEUB, responded in writing on January 19, 2007 advising me that the AEUB takes compliance action **if AENV forwards concerns to the Board**. Mr. Darin Barter, AEUB communications, was reported by *Enviroline* (EnviroLine Vol. 17 No. 1 & 2 pg. 6) saying that the AEUB will do something if citizens forward concerns to the AEUB.

I have written three letters of concern to AENV about EnCana's actions that are in direct contravention of AENV's Baseline Testing Standard; this is my fourth. More than three months have passed. Meanwhile it has been reported to me that EnCana continues to use "implied refusal" in direct contravention of AENV's Standard. **Why have both regulators avoided dealing with this serious problem? Please detail how deflecting concerns of non compliance protects the public interest, our groundwater and public health and safety.**

Please show Albertans that our Honourable Stelmach has selected wisely when he put you in charge of our environment. Please carefully address my concerns and questions in this email. **Please take responsible action, and copy me what you forward to the AEUB.**

One last question: **If evidence of non compliance forwarded by citizens is not accepted by the regulators or Alberta Ministers, where is the citizen to forward that evidence?**

Sincerely,

Jessica Ernst
Ernst Environmental Services

ENCANA™



EnCana Corporation
1800, 855 - 2 Street SW
PO Box 2850
Calgary, AB T2P 2S8
Canada

tel: (403) 645-2000

www.encana.com

Sept 12, 2006

RE: Water Well Test

EnCana is offering a water well test to obtain baseline groundwater information for any active water wells in our working area - in compliance with new Alberta Environment and Energy & Utility Board Regulations (Directive 35). The test that EnCana is offering consists of a capacity and quality test. For further information on Alberta Environment regulations or the proposed water well tests please see the enclosed information package or contact one of the indicated EnCana employees. If we are not contacted via telephone, fax, or email within 10 days of date of this letter we will consider it a refusal to participate in the water well test offer.

Please contact Tylar Smith with your reply or for further information in regards to the water well tests:

Tylar Smith
(403) 901-6566
tylar.smith@encana.com

Amanda Pfliger
(403) 645-6661
(403) 645-3726 fax
amanda.pfliger@encana.com

EnCana Corporation

Amanda Pfliger
Contract Water Well Administrator

attachment



EnCana Corporation

EnCana on 7th
421 7th Avenue SW
PO Box 2850
Calgary AB Canada T2P 2S6

tel: (403) 645-2000

www.encana.com

September 22, 2006

Ms. Jessica Ernst
Box 753
Rosebud, Alberta
T0J 2T0

Dear Ms. Ernst,

This letter is in response to questions in your email dated September 11, 2006 related to EnCana's proposed CBM completion in the existing 07-13-027-22 W4M gas well.

First we would like to reiterate the request that we made in our August 29, 2006 email to you. EnCana is offering a water well test to obtain baseline groundwater information for any active water wells in our working area - in compliance with new Alberta Environment and Energy & Utility Board Regulations (Directive 35). The test that EnCana is offering consists of a capacity and quality test. For further information on Alberta Environment regulations or the proposed water well tests please see the enclosed information package or contact one of the indicated EnCana employees. If we are not contacted via telephone, fax, or email within 14 days of date of this letter we will consider it a refusal to participate in the water well test offer.

Current regulations for water well testing prior to CBM drilling or recompletions call for testing all water wells within 600m and if there are no water wells within 600m then to test any wells within 800m. EnCana has not identified any active water wells within 600m of the 07-13 location. It appears from the Wheatland County map that your residence/water well may be within 800m of the 07-13 well.

In your email you raised a number of questions relating to the recompletion of 07-13 and the possible testing of your water well.

The proposed recompletion of the 07-13 well would involve perforating a number of coal seams between 206 m and 641 m below ground. Each of these coal seams would then be stimulated by injecting nitrogen into them. EnCana has not scheduled the recompletion of 07-13 at this time. The recompletion will meet or exceed all regulatory requirements including Directive 027 – Shallow Gas Fracturing Operations.

As mentioned above, EnCana will ensure that your water well is tested according to the Standard as prepared by AENV. Details of this Standard can be found at the following government information sources.

AENV's Standard: http://www.waterforlife.gov.ab.ca/coal/docs/CBM_Standard.pdf

AENV's Gas Sampling Requirements:

http://www.waterforlife.gov.ab.ca/coal/docs/Gas_sampling_for_CBM.pdf

Regulatory and Industry contact information:

http://www.waterforlife.gov.ab.ca/coal/docs/Contact_Sheet.pdf

EUB Directive 027 – Shallow Gas Fracturing Operations:

<http://www.eub.ca/docs/documents/directives/Directive027.pdf>

We have attached printed copies of these documents for your convenience.

If you have any questions regarding this letter please contact Mark Taylor at (403) 645-6718.

Thank you for your time,



Mark Taylor
Team Lead Wheatland SBU
EnCana



Detailed Item Information

Item Number: 0432644000188013
Product Type: Xpresspost
Service Standard Delivery Date: 2006/10/31

Date of Event	Time of Event	Location	Description	Retail Location	Signatory Name
2006/10/30	11:05	CALGARY, AB	Item accepted at the Post office		

- ▶ [Request Delivery Notification email](#) ⓘ
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Calgary AB T2P3E0 0.623 Kg	
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Ms. Jessica Ernst
Box 753
Rosebud, Alberta
T0J 2T0

EnCana on 7th 421 7th Avenue SW PO Box 2850 Calgary AB Canada T2P 2S5

*Contained Mark Taylor's letter dated 8/22/06
Rec'd by Ernst 10/4/06*

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1 T0J 2T0

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encana
natural gas

tel: (403) 645-7546
fax: (403) 718-8301
email: jessica.ernst@encana.com
www.encana.com

questions, comments or raised.
cent surveys (including
5km boundary on the
past. As an example,
essing your concerns.
B) Encana intends to
its operations on these
Environment (IAE)
Alberta Environment
cal authority must be
only both as the local
page 1 of 2

ACTIVITY REPORT

TIME : 08/17/2010 13:44
 NAME : ERNSTENVIRONMENTAL
 FAX : 14036772229
 TEL : 14036772074

DATE	TIME	FAX NO./NAME	DURATION	PAGE(S)	RESULT	COMMENT
08/17	13:37	14036453400	05:25	10	OK	TX ECM

BUSY: BUSY/NO RESPONSE
 NG : POOR LINE CONDITION
 CV : COVERPAGE
 CA : CALL BACK MSG
 POL : POLLING
 RET : RETRIEVAL

Jessica Ernst
Box 753 Rosebud AB T0J 2T0

Sent from fax 403-677-2229 to 403-645-3400

10 pages total

August 17, 2010

Ms. Heather Tanaka, Legal Counsel
EnCana Corp.
150-9th Ave. SW
Calgary, AB T2P 2S5

Dear Ms. Tanaka,

Re: Your letter dated June 23, 2010 and attachments.

Thank you for your letter dated June 23, 2010 and attachments. Your letter indicates that EnCana intends to drill several new gas wells and construct associated facilities near my home, and at least one that will be directionally drilled in the subsurface beneath my property. Thank you for offering to provide more information. I request the following, please:

1. It appears that one of the surveys was revised but the revision was not sent to me. Please send a revised copy of the development packages you sent updated with corrections and revisions.
2. Some of the partial Mosaic Plan you sent me is barely legible. Please send three copies of the full sized, complete Mosaic Plan for the Rosebud area, including copies of past revisions.
3. On the partial Mosaic Plan you sent me, there is a white dashed line that states: *1.5km boundary*, but the legend does not include what this line represents. EnCana's new wells, access roads and pipelines fall within this boundary. Please include this white dashed line in the legend of EnCana's Mosaic plan and explain what it is.
4. I sent questions to EnCana in past years about groundwater, noise and the company's down-spacing applications for this area. I haven't yet received answers. The ERCB advised that EnCana would address my concerns, but EnCana did not. Will EnCana address my past concerns before these new developments? I attached some for your reference.
5. Will EnCana adhere to Wheatland County's Land-Use Bylaws for these developments?
6. The July 2010 update by Wheatland County and Dillon Consulting of the *Rosebud Area Structure Plan* states: "The County recognizes that managing Rosebud's environment means looking beyond the Hamlet's boundaries. The County will protect Rosebud's environment by discouraging industries in the area that could cause noise pollution and reduce air quality...."
 - a) Will EnCana adhere to Wheatland County's environmental protection plans?

- b) Did EnCana consult with Rosebud Hamlet and Wheatland County about the company's new developments?
7. I understand that well 2-13-27-22 W4 will be directionally drilled to a bottom hole that is located near my residence and under my land.
- a) What standards of practice does EnCana apply when directionally drilling and fracturing under private property?
 - b) Are there any setbacks (regulatory or voluntary) that EnCana will abide by to ensure the well does not impact key features of private property including water wells, wetlands and vegetation?
 - c) Does EnCana have any information on the relative risk to groundwater and gas leakage to surface from directional drilling and fracturing as compared to vertical drilling and fracturing?
 - d) In what way does the existence of a directionally drilled well under private property affect future uses of that private property? For example, would a landowner be restricted from drilling deep water wells over a directionally drilled well?
 - e) I understand that using Reverse Circulation Centre Discharge Drilling, available in Alberta, reduces the damage done to formation, thus reducing the need for stimulation and fracturing. This in turn, may reduce the risk of gas migration. Has EnCana considered Reverse Circulation Centre Discharge Drilling for these new wells?
8. I understand that EnCana plans to drill wells at 15-12, 2-13, 8-13 and 9-13 all in 27-22-W4M, which are close to my home. Accordingly, I would appreciate the following please:
- a) The intended drilling programs for these wells, including amount of water used, source of that water and disposal of drilling muds, produced water and frac flow back.
 - b) Information regarding any intended hydraulic fracturing activities, including the acidizing and fracturing fluids that will be used, types of perforations used and the depths of all perforations and fractures, including in relation to the base of groundwater protection.
 - c) Information on the chemicals that will be used at the above wells in all processes associated with the wells, including pesticides for weed control. Please include Material Data Safety Sheets and Transportation of Dangerous Goods details for these chemicals.
 - d) The location and kind of formations targeted by these wells. Are these wells, for instance, targeting tight sands, Coalbed methane or shales?

9. EnCana lists numerous ERCB documents that the company will send me, if I request them. Consider this my request for those documents.
10. Please send me a copy of EnCana's and its subcontractor insurance policies.
11. I understand that the Congress of the United States, like me, is concerned about the potential impacts of hydraulic fracturing and related activities on human health and the environment. Accordingly, the Congressional Subcommittee on Energy and Environment recently asked EnCana to provide it (by August 6, 2010) with detailed information regarding past hydraulic fracturing and associated activities in the United States and any allegations of harm to human health or the environment, and contamination of drinking water. Given the concerns that have been raised in Alberta, including concerns that I continue to deal with, I ask please that EnCana voluntarily release to me the information Congress is requesting and similar information regarding EnCana's fracturing, completing and stimulating, and associated activities in Alberta, notably when and where EnCana injected diesel or other petroleum distillates. I attached a copy of the letter from the Congress of the United States for your reference.

Thank you for your attention, and I look forward to your response.

Sincerely,

Jessica Ernst

Attachments:

Some past unaddressed questions and concerns that I sent EnCana.

Congressional Subcommittee on Energy and Environment investigation letter to EnCana

Subject: Re: Your September 4th email

Date: Mon, 11 Sep 2006 22:04:42 -0600

From: jessica <ernstj@telusplanet.net>

Reply-To: ernstj@telusplanet.net

To: Taylor, Mark <Mark.Taylor@encana.com>, Neil McCrank <neil.mccrank@eub.gov.ab.ca>, Knull, Stacy <Stacy.Knull@encana.com>, greg.melchin@gov.ab.ca

It was recently reported in the Strathmore paper, that EnCana had offered to Wheatland County to collect “baseline data” on the hamlet of Rosebud water wells. Please explain EnCana’s scientific reasoning for collecting “baseline data” years after perforating and fracturing into fresh water aquifers and drilling so many gas wells in the area.

Re – EnCana’s recompletion of the 7-13-27-22-W4M gas well and surveying and testing of my water well

What depths will EnCana be perforating and fracturing at?

Will EnCana provide gas samples for composition and isotopic fingerprinting before commingling the 7-13 gas well?

Will EnCana allow me to choose the consultants to test my well? If yes, thank you; if not, why not?

When does EnCana anticipate doing the perforating and fracturing?

Will EnCana wait until after the natural gas contamination investigation is complete? If yes, thank you, if no, why not?

Will EnCana send me EnCana’s gas sampling protocol (including safety requirements) for testing water wells contaminated with natural gas?

Will EnCana also send me EnCana’s third party consultant’s natural gas sampling protocol (including safety requirements) for testing water wells contaminated with natural gas?

Will EnCana send me the company’s safety protocol for surveying property that might have natural gas migrating to surface, and in the water well to be surveyed?

Will EnCana send me a letter from Occupational Health and Safety, approving EnCana’s safety protocol for surveying and testing my water well?

Will EnCana assume legal responsibility in the event of a fire, explosion, injury or fatality during the surveying and testing of my well?

Who will complete the survey and will I get a copy of the survey when it is complete?

Would you please send me the survey company's contact information so that I may discuss the details of the survey with them and their safety protocol?

Would you please send me the survey company's contact information so that I may discuss the details of the survey with them and their safety protocol?

When will the new and recompleted gas wells in Sections 13 and 14 be tested? Will any venting take place? How much? How long will each of the new gas wells be tested for? How will EnCana deal with the extensive noise that this cumulative testing will cause at my property? Will all the gas wells be tested at the same time? How will EnCana ensure the testing noise does not violate my legal right to quiet enjoyment of my property and home and will not disrupt my sleep?

Is EnCana going to tie in these recompleted and new wells into the K101 compressor? If EnCana ties in these many new wells to the compressors neighbouring my property, how is EnCana going to mitigate the increased K101 compressor noise? Keep in mind that the AEUB acceptable noise levels are only the barest of expected minimums. Due diligence requires that EnCana mitigates affects, and respects my legal rights. Please detail how EnCana plans to respect my legal rights.

Please send me the tower reports for the gas wells drilled in sections 14, 12 and 13, new and old, and a summary of proposed activities in these sections. If EnCana has nothing to hide [about the recompletion of 7-13], EnCana will happily send me this information. Since you say that EnCana tested all the water wells within the testing distance of its drilling operations, please send me the legal land descriptions of the water wells EnCana tested for the re-completion and fracturing of the 8-14 gas well.

Subject: Outstanding Concerns and Special Gas Well Spacings

Date: Wed, 30 May 2007 23:01:09 -0600

From: jessica <ernstj@telusplanet.net>

Reply-To: ernstj@telusplanet.net

To: ernstj@telusplanet.net, "Knull, Stacy" <Stacy.Knull@encana.com>

Re: Outstanding concerns, questions, and missing consultation in EnCana's Chinook Business Unit

Re Ms. Debbie Smith's Letter dated May 8th, 2007, Edmonton to the fish scale (Shales??) formation.

My initial questions and requests, please:

1. List with full names, and depths, all formations to be perforated and fractured for all wells in the "special gas well spacing"
2. Define "special gas well spacing"
3. Do landowners have the right to object to special gas well spacings?
4. Will EnCana postpone its application, and provide complete, honest, and appropriate town hall meetings, with question periods to last as long as it takes, *before* applying for the special gas well spacing?
5. Will EnCana extend the time to object for three months, until all affected communities have been appropriately consulted with, honestly, openly, and until all concerned citizens have had their questions and concerns completely addressed to the satisfaction of the citizens (instead of just AEUB and EnCana staff)?
6. How wide spread is the special gas well spacing application? Please provide detailed maps with the boundaries, if applicable, beyond the County of Wheatland.
7. What special gas well spacing will come next?
8. What is the maximum expected density of wells per section in Wheatland County that EnCana expects - in other words, at what concentration of wells per section will EnCana quit?
9. How many Jonah Fields is EnCana planning for its holdings in Alberta?
10. Will water be used for fracturing these formations? How much water will be produced and how will it be disposed of?
11. List all chemicals to be used in drilling, lost circulation, servicing, perforating, fracturing, etc of these formations.
12. Will EnCana provide all MSDS's for all products used for all wells in this spacing?
13. What practices above and beyond those at the AEUB and AENV will EnCana employ for this special gas well spacing?
14. Is the "special gas well spacing" going to replace the cancelled applications that citizens have objected to in the past, some even with very time consuming Appropriate Dispute Resolutions that were suddenly cancelled by EnCana?

15. I request that the deadline (May 30, 2007) for responding to EnCana's special gas well spacing is extended for a minimum of three months, so that all concerned citizens, including myself, may fully and responsibly review the missing information. It is the agricultural industry's busy seeding time of year - Ms. Smith's letter provides no relief for conditions that may complicate work for farmers. Why does EnCana disrespect rural citizens, other industries and businesses?
16. What date did I receive the special gas well spacing letter from Ms. Smith?
17. Please send a copy of the complete environmental and socio-economic impact assessments and cumulative impact assessments completed for this special gas well spacing. The existing adverse cumulative impacts facing the land, water, air, other businesses, and people are already significant. If the company has not completed any such assessments, please detail why not, and when these will be prepared.
18. Will this special gas well spacing result in an increase in compression required? Will existing compressors and other facilities be upgraded to handle the increased volume in gas from this special gas well spacing?
19. How will EnCana mitigate this noise, if it will not mitigate the noise problems the company is already creating?
20. EnCana has been violating my legal right to quiet enjoyment of my home and land off and on now for four years. Detail all the cumulative noise (all rigs, venting, flaring, traffic, compressors, maintenance, trespassers on quads and dirt bikes, etc) and duration of those noise impacts that will occur for activities to fulfill the wells under this special gas well spacing application. How will EnCana mitigate the cumulative violations to my legal right to quiet enjoyment of my home and land from this special gas well spacing?
21. What is the gas composition of wells expected in this application?
22. Will EnCana provide representative gas samples from all perf and frac depths in this application for isotopic fingerprinting?
23. Is shale gas biogenic?
24. Will EnCana only use treated water for all activities related to this special gas well spacing to prevent bacterial contamination of aquifers? If not, why not?
25. Where will EnCana get its water supply for all activities related to this special gas well spacing application?
26. How much water per well is needed on average for drilling, fracturing and servicing each well in this special gas well spacing?
27. Will EnCana provide comprehensive baseline testing for water wells and springs, including dissolved methane, isotopic fingerprinting of gases from representative perf and frac depths as the gas wells are drilled (i.e. *before* commingling), BTEX F1-4, metals, *etc* for all gas wells under this special gas well spacing application?
28. Will EnCana be commingling the formations in this special gas well spacing with conventional gas, tight gas, and CBM?

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PHIL GINGREY, GEORGIA
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ROBERT E. LATTA, OHIO

ONE HUNDRED ELEVENTH CONGRESS

Congress of the United States

House of Representatives

COMMITTEE ON ENERGY AND COMMERCE

2125 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515-6115

MAJORITY (202) 225-2927
FACSIMILE (202) 225-2525
MINORITY (202) 225-3641

energycommerce.house.gov

July 19, 2010

Mr. Randy Eresman
President & Chief Executive Officer
Encana Corporation
1800, 855 - 2nd Street SW
P.O. Box 2850
Calgary, AB T2P 2S5

Dear Mr. Eresman:

The Subcommittee on Energy and Environment is examining the practice of hydraulic fracturing and its potential impacts on human health and the environment. We request your cooperation in this investigation.

Since February, the Subcommittee has sent letters to 14 oil and gas well service companies requesting information on their hydraulic fracturing practices. In their responses, these companies identified well operators, rather than well service companies, as the entities most likely to maintain data on the proximity of specific wells to underground sources of drinking water. Similarly, the well service companies directed us to the well operators, such as your company, for information on the recovery and disposal of fluids and water that flow back to the surface of wells that have been hydraulically fractured.

To help inform the Subcommittee on these issues, please provide us with the following documents and information:

1. A list of all oil and gas wells for which your company performed or hired another company to perform hydraulic fracturing in 2008 and 2009 and for which that hydraulic fracturing occurred in, near, or above an underground source of drinking water as defined by the Safe Drinking Water Act. For each well, provide the name of the company or companies that performed hydraulic fracturing at that well.

Mr. Randy Eresman

July 19, 2010

Page 2

2. For oil and gas wells that were hydraulically fractured in 2008 and 2009, a list by state and year showing the total volume of flowback and produced water recovered from the wells you operate and an accounting of how your company disposed of or discharged the flowback and produced water.
3. For each state in which you operate, identify the top producing natural gas well or unit of wells that was hydraulically fractured in 2009. For each identified well or unit of wells, provide the following information: the total volume of flowback and produced water recovered from the well or unit; an accounting of how your company disposed of or discharged the flowback and produced water recovered from the well or unit; the name of the company or companies that provided hydraulic fracturing services at the well or unit; and the methods by which your company stored on-site the flowback and produced water recovered from each well or unit.
4. All tests performed to determine the chemical content of flowback and produced water from wells that were hydraulically fractured in 2008 and 2009. Identify documents related to the wells referenced in request #3 above.
5. All company policies, procedures and design standards relating to on-site storage of flowback and produced water.
6. All documents relating to any allegations of harm to human health or the environment caused by hydraulic fracturing at your wells, including from improper on-site storage or spills of fluids recovered from your wells; improper on- or off-site disposal or discharge of recovered fluids; and contamination of drinking water.

Please produce the requested documents by Friday, August 6, 2010. In addition, we ask that you advise the Committee by Monday, July 26, 2010, whether you will comply with this request on a voluntary basis. An attachment to this letter provides additional information about responding to Committee document requests.

If you have any questions regarding this request, please contact Alison Cassady or Molly Gaston with the Committee staff at (202) 226-2424.

Sincerely,



Henry A. Waxman
Chairman



Edward J. Markey
Chairman
Subcommittee on Energy
and Environment

Mr. Randy Eresman
July 19, 2010
Page 3

Enclosure

cc: The Honorable Joe Barton
Ranking Member

The Honorable Fred Upton
Ranking Member
Subcommittee on Energy
and Environment

Jessica Ernst
Box 753 Rosebud AB T0J 2T0
Landowner P/O SE 13 -27-22-W4M
Email: ernstj@telusplanet.net

Page 1 of 14

September 17, 2010

Mr. Stephen Smith
ERCB Applications Group

Dear Mr. Smith,

EnCana 02-13-27-22 W4M, ERCB Licence # 165755, in breach of ERCB Directives 035 and 056

Failure to offer to test water wells prior to filing well licence application

Directive 035, s. 2.1.1 reads:

Prior to filing a new well licence application for CBM above the BGWP, an applicant must offer to test any active water wells and observation wells within a 600 metre (m) radius of the proposed CBM well. If no such wells are identified within a 600 m radius, the applicant must offer to test the nearest water well or observation well within a 600 to 800 m radius. In either case, the applicant must document the process in accordance with AENV Standard.

When filing a well licence application, an applicant must attach a cover letter that states its intent to drill a CBM well above the BGWP and that the offer to test water wells and observation wells was made, as required by the AENV Standard. (emphasis added)

Additionally, the applicant must submit a survey plan or map that shows all active water wells and observation wells locations referred to above. GPS coordinates of active water wells and observation wells are required on maps.

EnCana submitted the application on August 31, 2010, and the ERCB granted a licence on September 1, 2010. The letter from EnCana offering testing was not sent until September 2, 2010. As a result, EnCana was in breach of s. 2.1.1 and potentially misinformed the ERCB regarding whether it had made the required offers for testing.

EnCana's survey plan submitted to the ERCB with the application does not show or include the required GPS coordinates of all active water wells, and I am unable to find any cover letter stating the intent to drill a CBM well above the BGWP, and that the offer to test water wells was made.

Directive 035, s. 2.1.1 also reads:

CBM wells above the BGWP licensed on or after May 1, 2006, must meet the AENV Standard

EnCana wrote in their lettering offering to test my well, dated September 2, 2010, that if I do not respond within 10 days EnCana will record this as me not being interested in participating in the Directive 035 water well testing program. Directive 035 and Alberta Environment's Baseline Testing Standard do not limit time for water well owners to respond to company offers to test or allow for companies to use implied refusal. Instead, the Standard states that companies must get refusals in writing. This copied directly from the Standard:

If a landowner/occupant does not want his/her water well tested, the company must obtain written confirmation from the landowner/occupant that testing is not required. If written confirmation is refused, a company representative must diarize landowner/occupant's refusal and the CBM developer must deliver to the landowner/occupant, and retain a copy of, a notice describing this protocol.

EnCana further writes that both Alberta Environment and the ERCB will recognize the company's non-compliance with the Standard. I have serious concerns about that. Is EnCana the energy regulator in Alberta?

With regard to Compliance Assurance, Directive 035 goes on to say:

“the EUB will close any well licence applications that target completions above the BCWP that do not meet the requirements of this directive”.

Failure to provide required information as outlined in s. 2.2.2. of Directive 056

Under Directive 056, the Applicant is required to provide information to those who live near proposed projects. According to Directive 56 section 2.2.2, EnCana was required to provide an information package that provides “specific details of the proposed energy development”. Further, s. 2.2.2 goes on to say:

- 16) The following details must be included in the applicant's project-specific information package:
 - b) Emergency contact number of the applicant/operator
 - e) Need for the proposed development and explanation of how it fits with existing and future plans
 - f) Type of substance(s) that will be processed, transported or drilled for, . . .
 - h) discussion of the potential restrictions regarding developing lands adjacent to the proposed development, such as setbacks . . .
 - l) proposed project schedule for construction and start-up. . .

EnCana failed to provide appropriate details for the above information in their information package.

Failure to address all questions and concerns prior to filing an application as required by s. 2.3.3. of Directive 056.

According to s. 2.3.3 of Directive 056:

42) The applicant *must attempt to address all questions and concerns/objections regarding the proposed development prior to filing and during the review of the energy development*

application, regardless of whether the party involved is inside or outside the radius of Tables 5.1, 5.4, 6.1, 6.2, and 7.1.

Similarly, under s. 2.3 of Directive 056:

19) *the development and implementation of the participant involvement program must occur prior to the filing of an application with ERCB Facilities Applications. This includes: distribution of a project specific information package and the ERCB public information documents, responding to questions and concerns discussing options, alternatives and mitigating measures.*

On August 17, 2010, I wrote a letter that raised a number of concerns and questions regarding proposed development at well sites in 15-12, 2-13, 8-13 and 9-13 all in 27-22-W4M. EnCana did not respond to this letter until September 2, 2010, three days after EnCana had applied for licence for well 100/02-13-027-22W4/00 – a well that will be directionally drilled under my land.

EnCana's response did not address many of my key questions and concerns.

Unaddressed questions:

1. Will EnCana adhere to Wheatland County's Land-Use Bylaws for these developments?
2. The July 2010 update by Wheatland County and Dillon Consulting of the *Rosebud Area Structure Plan* states: "The County recognizes that managing Rosebud's environment means looking beyond the Hamlet's boundaries. The County will protect Rosebud's environment by discouraging industries in the area that could cause noise pollution and reduce air quality..."
 - a) Will EnCana adhere to these environmental protection plans?
 - b) Will EnCana consult with the people of Rosebud Hamlet? EnCana wrote that it consulted with Wheatland County. This is not consulting with the affected citizens in the Hamlet. In the past on similar such gas developments, the County did not forward the information they received from a petroleum company to any Hamlet residents. In 2004 and 2005, when the community voiced concerns about EnCana's many unmitigated impacts (one of which was lack of community consultation and honesty, and failure to adhere to ERCB Directives), EnCana promised repeatedly in public meetings that the company would consult directly and in person with the hamlet about new gas development plans around the hamlet.

EnCana also promised to address negative cumulative impacts and update the community with a regular newsletter. VP Mr. Stacy Knull wrote in EnCana's October 2004 Newsletter that EnCana is:

"looking at new ways of communicating and have developed this newsletter as a way to keep you informed about the issues that matter to you."

To the best of my knowledge, EnCana provided two newsletters and then stopped fulfilling this promise. This is important because all the new developments EnCana notified me about are within 1.5 km of Rosebud Hamlet.

3. I understand that well 2-13-27-22 W4 will be directionally drilled to a bottom hole that is located near my residence and under my land.
 - a) What standards of practice does EnCana apply when directionally drilling and fracturing under private property? In my view, EnCana responded generically stating that the company complies with all laws, rules and regulations put out by both the ERCB and Alberta Environment related to directional drilling and completions, yet, EnCana is already in breach of ERCB Directives before a rig is even in place. In order to understand EnCana's impacts to my property, I need the actual practices to be specified to me in detail, not in deflection with promises that might be broken. My property might be damaged or someone might be killed if there is an explosion, frac out, or blow out, especially given how dangerously contaminated Rosebud's aquifers already are after EnCana fractured them and the many serious petroleum industry caused explosions, leaks and blowouts that occur, including home explosions, fatalities and injuries from gas migration.
 - b) Does EnCana have any information on the relative risk to groundwater and gas leakage to surface from directional drilling and fracturing as compared to vertical drilling and fracturing? EnCana responded to me that they do not, even though the ERCB publicly lists deviated drilling as a major factor in causing gas well leakage.¹

The cumulative risk of deviated drilling in a river valley (the ERCB lists topography as an other factor in gas well leakage) with already dangerous levels of gas migration in Hamlet and private citizen water wells greatly concerns me.

After EnCana industrially fractured Rosebud fresh water aquifers (in secret), dramatic changes were observed in area water wells, including mine. The amazing thing is that EnCana proclaimed in public meetings that the company would never do such a dreadful thing as fracture into the aquifers we get our water from or even near them.

Alberta Environment found dangerous levels of methane contamination in the hamlet water supply and private water wells. In 2006, two different labs matched fingerprints of gases sampled by the regulator in three area water wells with those from EnCana's shallow gas wells at Rosebud. (Alberta Environment did not give copies of this damning data to Dr. A. Blyth for him to include in his reviews; they also did not give him copies of the damning fingerprint data obtained on the hamlet water).

Reuters recently reported² that EnCana is to provide safe alternate water to Pavillion Wyoming residents with much less organic hydrocarbon contamination than we have at Rosebud. At Pavillion, the highest level of methane contamination found by the

¹ <http://www.co2captureandstorage.info/docs/WBI3Presentations/SBachuTWatson.pdf>

² <http://www.reuters.com/article/idUSTRE6807KG20100901>

EPA³ in private water wells is about 800 ug/l. At Rosebud, it's about 80 times more at 66,000 ug/l⁴. And that before a research panel⁵ reported that the gas concentrations in Rosebud water are being *under* estimated by a factor of three when total dissolved gas pressure is not measured.

Reuters⁶ reported EnCana's Doug Hock saying that the Pavillion methane contamination was naturally occurring because it was at "extremely low" levels. He was further reported saying:

"If this was related to oil and gas production wells, we would be seeing much higher levels of methane."

What does that say about Rosebud's very high methane levels? And what would the EPA make EnCana do if they found the very high levels of methane and isotopic fingerprint match that we have in our water at Rosebud?

The ERCB and others have reported that as well density increases, so does gas migration. I am concerned with cumulative gas migration and other impacts from EnCana drilling, perforating and fracturing more gas wells in my community after having already perforated and or fractured so many gas wells more shallow than 200 m (one as shallow as about 100 m), many with limited surface casing and no groundwater protection assessments. I am also concerned with the gas migration and cumulative risks from EnCana's three existing, multiple perforated and fractured deviated wells in Section 13.

EnCana wrote me that the company repaired their extremely shallow perforations of the 5-14 gas well by cementing them. This would not repair our fractured aquifers. I am concerned about cumulative gas migration impacts in an area with industrially fractured aquifers, and unresolved community wide water contamination, and the Alberta Government breaking its Legislature made promise (February 28 2006) to provide safe alternate water to adversely affected families "now and into the future". Please refer to the March 19, 2008 Media Alert and my March 19, 2008 letter to Alberta Environment, attached in my supporting documents for more details.

- c) In what way does the existence of a directionally drilled well under private property affect future uses of that private property? For example, would a landowner be restricted from drilling deep water wells or geothermal wells over a directionally drilled well bore? EnCana responded that there would be no affect to future use of my property but then wrote that I would need to include locating any directional wellbores before I drill on my land. If I must do this, it means that my surface use *is* affected by EnCana's 02-13 deviated well bore under my land. I need details and careful consultation to understand the loss of use of my land and associated impacts.

³ http://www.epa.gov/region8/superfund/wy/pavillion/Pavillion_GWInvestigationARRTextAndMaps.pdf

⁴ Lauridsen Water Well Complaint Review by Dr. Alexander Blyth, Alberta Research Council, 2007

⁵ <http://environment.alberta.ca/documents/Coalbed-Methane-Science-Panel-Review-Report.pdf>

⁶ <http://www.foxbusiness.com/markets/2010/09/09/encana-says-drilling-did-taint-wyoming-water/>

- d) I understand that using Reverse Circulation Centre Discharge Drilling, available in Alberta, reduces the damage done to formation, thus reducing the need for acidizing and fracturing. This in turn, may reduce the risk of gas migration. Has EnCana considered Reverse Circulation Centre Discharge Drilling for these new wells? EnCana wrote back that it has considered it, but chose not to use it. I request more consultation on this important mitigative drilling technique. I need to know why EnCana would not want to use a method that prevents formation damage and gas migration and reduces many risks and damages in an area that has known serious and community wide gas migration.
8. I understand that EnCana plans to drill wells at 15-12, 2-13, 8-13 and 9-13 all in 27-22-W4M, which are close to my home. Accordingly, I would appreciate the following please:
- The intended drilling programs for these wells, including amount of water used, source of that water and disposal of drilling muds, produced water and frac flow back.
 - Information regarding any intended hydraulic fracturing activities, including the acidizing and fracturing fluids that will be used, types of perforations used and the depths of all perforations and fractures, including in relation to the base of groundwater protection.
 - Information on the chemicals that will be used at the above wells in all processes associated with the wells, including pesticides for weed control. Please include Material Data Safety Sheets (MSDS's) and Transportation of Dangerous Goods details for these chemicals. EnCana's website⁷ states that the company supports chemical disclosure, and that MSDS's are available. Why tell the world that EnCana will be upfront and accountable about toxic chemicals, when the company is not upfront and accountable with directly and adversely affected Alberta landowners?
 - Are these wells targeting shales?

I need direct answers from EnCana to these questions, especially because the Fish Scale Shales (silts) are reportedly highly radioactive. I am very concerned about radioactive drilling and fracture waste disposal and impacts to the subsurface formations that Alberta Land Titles claims I own "to Hell"⁸.

The ERCB reported in Shallow Fracturing Directive 027 that industry does not know what shallow fractures do; the B.C. Oil and Gas Commission recently sent out a safety advisory reporting that industry does not know what deep fractures do and that there have been serious deep fracture incidents in the Horn River Shale gas play. This raises many concerns for me. EnCana will not tell me what depths they plan to perforate and fracture or deviate their well at in the subsurface of my property. Their 02-13 application states that surface casing will be set to 172 m, meaning that EnCana might be planning to fracture at less than 200 m requiring assessment prior to fracturing.

9. Please send me a copy of EnCana's and its subcontractor insurance policies. EnCana responded claiming this is confidential information, but I need copies of this insurance or at the very least the policy number(s) and insurance company name in case of a fracture accident

⁷ <http://www.encana.com/>

⁸ <http://www.servicealberta.ca/589.cfm>

or rig explosion causing death, pollution and or damage to my property and subsurface formations that I own. Numerous ERCB staff have told Albertans, myself included, in public meetings that it is our responsibility to ask questions, get educated, and persist in getting our questions answered and information that we need to protect ourselves, our families and community, businesses, and property. The insurance company names and copies of the policies are required so that I may write the insurance companies to verify and get more information. There have been many water contamination cases in EnCana's areas of operation, promises broken by EnCana, and record fines to EnCana. There have been many terrible accidents recently, including the BP offshore explosion in the Gulf that killed 11 workers, three serious recent EnBridge incidents and many past ones, spills and endless other spills, leaks and ruptures, including the deadly San Bono natural gas pipeline rupture. There have been gas well explosions and blowouts that resulted in worker deaths and serious pollution and damages during drilling and or fracturing. There have been home explosions and deaths, and many cases of methane migrating into water and soils in the US that the energy regulator investigated and concluded were caused by gas drilling and or fracturing⁹. They summarized the dangers:

Over the last decade these stray gas migrations have caused or contributed to at least 6 explosions that have killed 4 people and injured 3 others. In addition the threat of explosions has forced 20 Pennsylvania families from their homes, sometimes for months. At least 25 other families have had to deal with the shut-off of utility service or the installation of venting systems in their homes and at least 60 water wells (including 3 municipal supplies) have been contaminated.

10. I understand that the Congress of the United States, like me, is concerned about the potential impacts of hydraulic fracturing and related activities on human health and the environment. Accordingly, the Congressional Subcommittee on Energy and Environment recently asked EnCana to provide it (by August 6, 2010) with detailed information regarding past hydraulic fracturing and associated activities in the United States and any allegations of harm to human health or the environment, and contamination of drinking water¹⁰. Given the concerns that have been raised in Alberta, including concerns that I continue to deal with, I ask please that EnCana voluntarily release to me the information Congress is requesting and similar information regarding EnCana's fracturing, completing and stimulating, and associated activities in Alberta, notably when and where EnCana injected diesel or other petroleum distillates. I attached a copy of the letter from the Congress of the United States for your reference. EnCana responded saying the company intends not to inject diesel or petroleum distillates and thus what I asked for does not relate. In my view, this is a deflative response.

Congress investigating EnCana's hydraulic fracturing, and allegations of water contamination and harm to health and environment is very serious and relates directly to many of my outstanding concerns and questions. In my view, this request needs to be appropriately, honestly, completely and respectfully addressed. It is vitally and directly in the public interest of Albertans.

⁹ http://www.dep.state.pa.us/dep/subject/advoun/oil_gas/2009/Stray%20Gas%20Migration%20Cases.pdf

¹⁰ <http://energycommerce.house.gov/documents/20100719/Letters.Hydraulic.Fracturing.07.19.2010.pdf>

11. Will EnCana provide gas samples for composition and isotopic fingerprinting of the gas wells before commingling and core samples of the formations I own in the subsurface that EnCana intend to fracture?
12. Will EnCana release to me the tower reports on their shallow gas and deviated wells in my community, especially on the 5-14-27-22-W4M gas well that fractured my community's drinking water aquifers, and the aquifer that supplies my well?
13. Will EnCana allow me to choose the consultants to test my well? If yes, thank you; if not, why not? I have watched EnCana consultants testing water wells. I am very concerned by the lack of experience and supervision, and inappropriate sampling.
14. Will EnCana send me EnCana's and its third party consultant's gas sampling protocol (including safety requirements) for testing water wells contaminated with natural gas?
15. Will EnCana send me the company's safety protocol for surveying property that might have natural gas migrating to surface, and in the water well to be surveyed?
16. Will EnCana send me a letter from Occupational Health and Safety, approving EnCana's safety protocol for surveying and testing my water well?
17. Will EnCana assume legal responsibility in the event of a fire, explosion, injury or fatality during the surveying and testing of my well? Bruce Jack of Spirit River, Alberta and two water well testers were severely injured and hospitalized when the gas contaminated water well they were testing exploded, causing significant damages. A photo is attached in the supporting documents, for your reference.
18. If EnCana ties in these many new wells to the compressors near my home, how is EnCana going to mitigate the increased compressor noise?
19. How wide spread is the special gas well spacing application? Please provide detailed maps with the boundaries, if applicable, beyond the County of Wheatland.
20. What special gas well spacing will come next and how many wells maximum will EnCana drill in my community?
21. What is the maximum expected density of wells per section in Wheatland County that EnCana expects to drill?
22. What practices above and beyond those at the AEUB and AENV will EnCana employ for this special gas well spacing?
23. Is the "special gas well spacing" going to replace the cancelled applications that citizens objected to in the past, some even with very time consuming Appropriate Dispute Resolutions that were suddenly cancelled by EnCana?

24. Please send a copy of the cumulative impact assessments completed for this special gas well spacing. EnCana's VP Mr. Stacy Knull promised in writing to address cumulative impacts in my community (see my supporting documents). It is not possible to mitigate without assessing them first. The existing adverse cumulative impacts facing the land, water, air, other businesses, and people are already significant. If the company did not complete any such assessments, please detail why not. The Canadian Association of Petroleum Producers (CAPP), of which EnCana is a member, states that cumulative impacts for coalbed methane developments are a concern and to be consulted about, assessed, and mitigated.¹¹ The ERCB expects the same.
25. Will EnCana provide representative gas samples from all perf and frac depths and gas composition for these new wells?
26. Is shale gas that EnCana targets in Alberta biogenic?
27. EnCana wrote me that it is targeting the silts. Are the silts shales? Is silt gas biogenic?
28. Is coalbed methane that EnCana targets in Alberta biogenic?
29. Will EnCana use treated water for all activities related to this special gas well spacing to prevent contamination of aquifers? If not, why not?
30. Will EnCana provide comprehensive baseline testing for water wells and springs, including dissolved methane, isotopic fingerprinting of gases from representative perf and frac depths as the gas wells are drilled (i.e. *before* commingling), BTEX F1-4, complete metals, *etc*? This is important because it seems EnCana is commingling many formations with coal beds.

Outstanding concerns (with some supporting information and new comments added in response to EnCana's recent failure to respond to my concerns. If the ERCB would like copies of my past correspondence to EnCana, please let me know):

- The unresolved dangerous methane and other toxics contaminated water in my community, including my well, and the dramatic changes to our water after EnCana perforated, fractured and commingled our drinking water aquifers.
- EnCana's many broken promises, including the promises to meet or exceed ERCB regulations and never fracture anywhere near our fresh water aquifers.
- The incomplete investigation by Alberta Environment and the non-peer reviewed, error laden and incomplete reports (e.g. it was written that all gas wells within a certain distance to my water well, and all gas wells of my concern were reviewed, but they were not) by Dr. Blyth of Alberta Innovates (previously the Alberta Research Council). EnCana perforated and fractured many gas wells around Rosebud more shallow than 200 m, one as shallow as about 100 m. Many of these wells were not reviewed. Instead of using local gas well data, unidentified gas wells by an unknown company perforated and fractured deeper than

¹¹ <http://www.capp.ca/getdoc.aspx?DocID=103407>

EnCana's gas wells at Rosebud, from over one hundred miles away, were used to dismiss the contamination. See attached March 19, 2008 media alert and letter.

- The ERCB publicly disclosed that deviated wells result in major factor of gas well leakage impact.¹² EnCana intends to deviate the 02-13 gas well under my property that already has very dangerous levels of methane contamination in the groundwater. EnCana already has three deviated wells originating in Section 13 near my property, meaning a three fold *major* factor of gas well leakage impact near and in groundwater flow to my water well. I am very concerned about EnCana cumulatively increasing more stray gas into my already contaminated water well and the wells of my neighbours, and potentially killing surface vegetation on my property from gas migrating to surface via soils.
- Increased risk of gas migration from increased density of wells, and corresponding increased perforations and hydraulic fracturing. The ERCB list the following as factors of gas migration impact:
 - Licensee
 - Depth of surface casing
 - Total depth
 - Well Density
 - Topography.

There are many allegations of water contamination, and harm to health and environment by EnCana in many areas of Canada and the US. In my community, there are numerous EnCana wells with limited surface casing, and many with many extremely shallow perforations and fractures, including directly into our drinking water aquifers. Well density is already high in my community.

- Depth of groundwater protection in this area corresponding to the limited amount of surface casing on numerous shallow EnCana gas wells.
- Drilling, perforating and hydraulic fracturing of formations in the subsurface of my property, with undisclosed, potentially highly toxic chemicals and the risk of damage to those formations with resulting increased cumulative gas migration, radioactivity and fresh water contamination. There is an alarming increase in cases of gas migration into water wells where hydraulic fracturing of unconventional gas wells has taken place, so much so, that Congress asked the EPA to investigate the impacts to water from hydraulic fracturing (results expected in 2012). EnCana's website¹³ states that hydraulic fracturing

“breaks up the target formation”.

How will EnCana protect subsurface formations if EnCana breaks them? EnCana's website also states:

“In all EnCana operations, rigorous water management and protection is a vital part of this process”.

EnCana did not send me the company's “rigorous” water management and protection planning. Further, EnCana's website states:

¹² <http://www.co2captureandstorage.info/docs/WBI3Presentations/SBachuTWatson.pdf>

¹³ <http://www.encana.com/news/topics/hydraulicfracturing/>

“Every natural gas well has a steel casing that is cemented externally to prevent fluids migrating from the wellbore and to protect local groundwater”.

But, EnCana’s 05-14-27-22-W4M had the steel and cement protections perforated directly into the fresh water aquifers that my community relies on. EnCana’s website describes hydraulic fracturing as breaking up the target formation:

“much like a stone fracturing a windshield, to create pathways that allow the gas to flow”

I am concerned about the gas flow into and damages EnCana caused to our aquifers.

In order for me to understand the damages EnCana is intending to cause to formations I own in the subsurface, please detail how EnCana provided proper wellbore design for the 5-14 well, and the many other gas wells in my community that EnCana perforated and fractured above 200 m, far above the base of groundwater protection.

Was it possible for EnCana to protect our local groundwater and prevent gas from flowing into our water supplies when the company perforated and fractured directly into them? Industry cementing research reports¹⁴ that:

“Gas migration can occur any time the seal of a gas-bearing zone is disturbed”.

EnCana’s website further states:

Encana is continuing to improve our understanding of the potential impacts the chemicals we use in our hydraulic fracturing operations may have on the environment and we continue to work to ensure we are using the most environmentally responsible hydraulic fracturing fluid formulations and fluid management practices available. In the interim, Encana has prohibited the use of 2-BE and diesel in fracturing fluids in its operations in response to specific stakeholder concerns.

EnCana’s early CBM in my community might have injected diesel and other toxic chemicals above the base of groundwater protection. The details of this needs to be disclosed. EnCana’s due diligence and protecting the public interest depends on it. EnCana states that the injection of 2-BE and diesel are prohibited “in the interim”, in response to stakeholder concerns. When does EnCana intend to inject these toxic substances again? And did EnCana use any toxic and or diesel or petroleum distillate based drilling muds, lost circulation and fracturing fluids, servicing or acidizing mixtures, etc in my community above the base of groundwater protection?

What is EnCana using to replace 2-BE and diesel with?

What are the company’s past and present fracturing fluid formulations and management practices used in my community?

¹⁴ <http://www.worldoil.com/June-2008-Improved-cementing-practice-prevents-gas-migration.html>

There are numerous reports that proppant or frac sand is radioactive and silicate sands can be dangerous to breath. This concerns me for the many past wells that EnCana fractured in my community above 200 m, and how EnCana disposed of any radioactive or silicate sand waste, and how many times EnCana injected radioactive materials above the base of groundwater protection in my community without telling us. How does EnCana respond to radioactive frac sand spills or frac outs? The responses to radioactive frac sand spills and frac outs that I have read from companies in Canada are dubious at best.¹⁵ If EnCana's frac sand is or was radioactive, I request a copy of EnCana's licence from the Canadian Nuclear Safety Commission.

- Land Use Planning is of great concern to Albertans - EnCana does not appear to be adhering the Rosebud Area Structure Plan or environmental protection requirements.
- Cumulative increase in toxic Air Emissions – EnCana did not provide details on what toxic chemicals will be vented or flared from these wells, and the compressors and how EnCana will mitigate this pollution. The EPA is currently concerned about the air pollution from natural gas drilling and production, especially nitrous oxides, benzene and ground level ozone. The July 2010 update to the Rosebud Area Structure Plan states that Wheatland County “will protect Rosebud’s environment by discouraging industries in the area that could cause noise pollution and reduce air quality”. What is EnCana doing to mitigate this?
- Disposal and spills of produced water, drilling muds, frac sands, and fracturing waste and toxic chemical additives, *etc.* Waste and produced water injection in coalbed methane fields has been found to cause earth quakes. I am concerned about land spreading drilling and fracturing waste because of the many unknown toxic chemical additives used and the steep contours of my property that may result in rains washing toxics onto the surface of my land, or into the Rosebud River. In heavy rains, water rushes off the neighbouring lands onto my property within minutes and in great quantities. How will EnCana be dealing with its waste?
- Drilling cleaning water waste disposal on the surface, very close to drainage towards my property. EnCana wrote that they may dispose of their drill cleaning waste water on the surface, which may result in it running down onto my land off lease because of the contours. Also, if EnCana is cleaning out the well bore, toxic chemicals and radioactivity may be in the waste water. I am very concerned about this. I think waste-water must be hauled off lease. More information is required, notably how EnCana will prevent water run off onto my property and whether EnCana will disclose to me the chemicals they plan to use, their test results prior to disposal on the surface, and what the radioactivity levels are in the formations EnCana wants to fracture under and around my property.
- EnCana’s application states that acid gas injection, enhanced recovery, and CO₂ more than 1% might occur under my property but I was not consulted about this. I am extremely alarmed about this. I need more information about what EnCana intends to do with the subsurface of my property.
- future restrictions to the use of my property from the deviated well bore and possible gas migration to surface killing trees and vegetation, and the many negative impacts that may arise from that, including loss of use. I am already forced to haul safe alternate potable water, at great inconvenience and cost of time.

¹⁵ <http://www.cbc.ca/canada/new-brunswick/story/2006/10/02/nb-spill.html#ixzz0z5lcTHHH>
<http://www.cbc.ca/canada/prince-edward-island/story/2008/06/27/corridor-spill.html?ref=rss>

- EnCana's compressor noise continues to annoy me in my home and outside on my property, and violates my legal right to quiet enjoyment. EnCana did not advise me how much their compressor noise will cumulatively increase from these new developments, especially as the older wells lose productivity.
- ERCB licensing information varies on the different copies of surveys EnCana sent me in their information package. For example, on the survey for well 15-12, it reads that the well is *not* at least 1.5 km from the limits of Rosebud, which is indeed the case. The 02-13 well to be drilled under my land is also *not* at least 1.5 km away from Rosebud but the survey indicates the opposite, and then on the next page it states: "Nearest urban centre is Rosebud 00.76km +/- E. of well centre". And for 02-13, there seems to be a discrepancy in well depth that is on the application and the copy of the survey I was provided with. I need more information to verify.
- EnCana did not provide me a copy of their application or license, even though these were available at the time they sent me their letter and offer to test my well.
- The information package EnCana sent states that their wells will be flared, but in 2004, EnCana promised myself and the community that they will no longer flare their wells around Rosebud. In line incineration is to be used; testing to be done only into sales lines as per the ERCB's Directive on flaring and incineration.
- I accept EnCana's Sept 2, 2010 written offer to test my well, but require that EnCana's breaches to Directives 035 and 056 and my outstanding concerns and unaddressed questions are dealt with first. My well was disconnected from my home years ago because living with it is life threatening, as evidenced by the deaths and explosions caused by industry's stray gas migration. Because I am not using the well, and it is disconnected, how will I be able to observe for changes to my water quantity or quality after EnCana drills and fractures around and under my property?
- I am concerned with the limited amount of time EnCana gives Alberta landowners to respond to an offer to test, especially when the company is in breach of regulatory requirements and there are so many water contamination cases in EnCana's gas fields.

I look forward to getting my questions and concerns completely, directly and honestly addressed by EnCana.

Thank you.

Sincerely,

Jessica Ernst

Cc Ms. Janaya Flower, Legal Counsel EnCana
 Ms. Heather van Hauff, Alberta Environment
 And others as listed in my Email.

Supporting documents attached:

July 19, 2010 Congress letter to EnCana investigating hydraulic fracturing practices and allegations of harm to health and environment and water contamination.

Photo of the Bruce Jack gas contaminated water well explosion, Spirit River Alberta, 2006

August 31, 2020 EnCana Application #1659755 to the ERCB for 100/02-13-27-22-W4M

September 1, 2010 ERCB Well Licence # 0423126 for 02-13-27-22-W4M

September 2, 2010 EnCana written offer to test Ernst water well

March 19, 2006, Media Alert, by adversely affected water well owners and my accompanying letter to Ms. Bev Yee, Alberta Environment

January 28, 2008 Response to Dr. A Blyth's reviews on the Rosebud water contamination cases by Drs. Barb Tilley and Karlis Muehlenbachs.

September 17, 2009, Pennsylvania Department of Environmental Protection Oil and Gas Technical Advisory Board, Proposal to Address Stray Gas Migration.

October 2004, EnCana Newsletter *In Your Community* for Rosebud.

----- Original Message -----

Subject:Unaddressed Concerns File No. 27018

Date:Fri, 03 Dec 2010 15:28:18 -0700

From:jessica ernst <ernstj@telusplanet.net>

Reply-To:ernstj@telusplanet.net

Organization:EES

To:Stephen Smith <Stephen.Smith@ercb.ca>, Laurie Wilson-Temple <Laurie.Wilson-Temple@ercb.ca>, Gavin McClenaghan <Gavin.McClenaghan@ercb.ca>, Paul.Forbes@ercb.ca, kevin.parks@ercb.ca, ken.banister@ercb.ca, Mark.R.Miller@ercb.ca, gary.neilson@ercb.ca, roy.graves@ercb.ca, rob.kennedy@ercb.ca

CC:ernstj@telusplanet.net, Andrew Nikiforuk <andrew@andrewnikiforuk.com>, Tom Nahirniak <tnahir@telus.net>, Judy Schwartz <mayorofwillowdale@yahoo.com>, Don Bester <donbester@live.ca>, doug malsburry <on_target52@hotmail.com>, Hanneke Brooymans <hbroomans@thejournal.canwest.com>, RNNR@parl.gc.ca, Benoit.L@parl.gc.ca, "Cullen, Nathan - M.P." <Cullen.N@parl.gc.ca>, Tonks.A@parl.gc.ca, Ben Parfitt <benpar302@shaw.ca>

Jessica Ernst
Landowner P/O 13-27-22-W4M
Box 753 Rosebud AB T0J 2T0

To the Alberta Energy Resources Conservation Board (ERCB),

Re: Unaddressed Concerns File No. 27018

Thank you for your letters dated November 16, 2010, postmarked November 18, and that I received on November 23, 2010. They don't say much.

I require some clarification please. My questions and requests are real and require complete, respectful, honest, non-deflective and appropriate response from the regulator. Thank you.

- 1) Is EnCana the energy regulator in Alberta or is the ERCB?
- 2) Please detail carefully how EnCana, known widely for its law, rule, regulation and promise violations, can promise me that "EnCana will follow all laws, rules and regulations".
- 3) Do EnCana promises address my questions and concerns?
- 3) Please send documented proof that "EnCana will follow all laws, rules and regulations".
- 4) When will the ERCB answer my questions and concerns and send me copies of the

confidential documents on the ERCB applications website (that appear related to my concerns) as I requested on November 11, 2020? (Please see below.)

I remain waiting, and concerned about EnCana reapplying without addressing my concerns and appearing to be again in breach of Guide 56. If EnCana advised the ERCB that the company addressed my concerns before reapplying, please send documented proof of this.

5) Did anyone at the ERCB read my submission and supporting documents that I sent to the ERCB on September 17, 2010? If so, please provide names and email addresses of these staff.

6) I remain waiting for the information I requested of EnCana that I need to make an informed decision about what EnCana plans near my home and water well, and under my land and in formations that I own, and to understand the loss of surface use EnCana's deviated drilling will cause me (as evidenced by EnCana's written comment to me and common sense). I remain also waiting for complete, respectful, accurate, and appropriate response from EnCana and the ERCB to my concerns. The ERCB publicly (often) stated that it is the responsibility of Alberta landowners to get all questions and concerns completely addressed to our satisfaction and that we must persist until the truthful information we need to protect our health, land, water, families and communities is provided.

Much more information is needed from EnCana to:

- review all possible options (some of which may be less harmful and less polluting);
- ensure safe and responsible drilling and fracturing (e.g. the Fish Scale shales/silts are reportedly highly radioactive);
- obtain the proper water well data before and after these proposed activities (because my water is too dangerous to have connected to my home I am unable to monitor changes that EnCana's new drilling and hydraulic fracturing may cause); and
- prevent cumulatively increasing gas migration and other damages and liabilities.

Not allowing anymore deviated drilling in my community or fracturing above the base of groundwater protection would be a minimum start. In fact, I think the only intelligent start would be to disallow any more hydraulic fracturing at any depth in the area around the dangerously contaminated water wells here and no more deviated drilling (because the ERCB admits that deviated drilling is a major factor of gas leakage). In my professional opinion (30 years working in Alberta in the oil and gas industry), I find it extremely irresponsible and unsafe for EnCana and the ERCB to consider more of it here (see my most important question to the ERCB below).

There are many children living in my community close to EnCana's new activities in an area with already compromised drinking water aquifers, thanks to EnCana's violations.

EnCana promised never to fracture anywhere near our drinking water aquifers; EnCana not only often, in secret, perforated and hydraulically fractured above the base of groundwater protection here, EnCana hydraulically fractured directly into our drinking water aquifers! Now EnCana proposes to fracture even more wells where the company publicly promised it never would. Rosebud already had one water reservoir explode, seriously injuring a worker, after EnCana hydraulically fractured our aquifers.

Complete and honest disclosure is required because:

- of the danger and liability that is our water (tainted with who knows what brew of toxic chemicals because EnCana has *still* not disclosed the chemicals the company injected here);
- the investigation here remains incomplete, with the most important data still missing; and
- of the phenomenal amount of drilling, perforating and hydraulic fracturing that EnCana has already done above the base of groundwater protection, deviated and otherwise.

I expect a responsible, integral and honest corporation and regulator to **recognize and respect limits** and address my concerns.

I remain waiting for the ERCB to answer my most important question:

Why was EnCana's application for the 2-13-27-22-W4M approved in the first place?

Sincerely

Jessica Ernst

cc

MP Benoit, Chair Standing Committee on Natural Resources

MP Cullen, Vice Chair, Standing Committee on Natural Resources

MP Tonks, Vice Chair, Standing Committee on Natural Resources

Mr. Tom Nahirnak, Alberta Surface Rights Federation

Messieurs Don Bester, Doug Malsbury and Rob Schwartz, Alberta Surface Rights Group

Ms. Hanneke Brooymans, Edmonton Journal

Mr. Andrew Nikiforuk, Writer in Residence, The Tyee

Mr. Ben Parfitt, Journalist, and Author "FRACTURE LINES: Will Canada's Water be Protected in the Rush to Develop Shale Gas?" For the Program on Water Issues Munk School of Global Affairs.

www.powi.ca/pdfs/groundwater/Fracture%20Lines_English_Oct14Release.pdf

On 11/12/2010 2:25 PM, jessica ernst wrote:

Thank you for your assistance.

I have another concern. There appears new documents for an EnCana well in Section 12 that are mixed in with the Section 13 applications. My concerns for this mixed up well

also have not been addressed. Why is a section 12 well tangled up in applications for wells in Section 13? This makes things quite confusing. I would appreciate EnCana or the ERCB fixing this and putting the applications where they belong. Of course, it would not be so confusing and time wasting for me and others in my community if EnCana adhered to ERCB Directives and did what the company promised.

Also confusing: why would EnCana give a community member a map showing only one new gas well when EnCana promised to address cumulative affects and applied for three?

Thank you.

Sincerely,

jessica ernst

On 11/12/2010 8:29 AM, Stephen Smith wrote:

Dear Ms. Ernst

Your email was copied to Ms Wilson-Temple, the manager for Mr. Mclenaghan's group and she has addressed the management of your documents and concerns.

Regards

Stephen Smith
Executive Manager
Applications Branch

-----Original Message-----

From: jessica ernst [<mailto:ernstj@telusplanet.net>]

Sent: Thursday, November 11, 2010 2:03 AM

To: Stephen Smith; Laurie Wilson-Temple

Cc: Gavin McClenaghan; Bob Davis; Heather von Hauff; church@rosebud.ca

Subject: Re: EnCana 02-13-27-22-W4M in breach of ERCB Directives 035& 056

Dear Mr. Smith,

This response from Mr. McClenaghan:

I will be out of the office from November 4, 2010 to November 12, 2010 inclusive. If you need immediate assistance please contact Stewart MacKinnon at 403 297-6329.

Otherwise I will respond to your e-mail after I return on November 15. Gavin

Because I expect the ERCB to approve EnCana's applications very quickly, I ask please, that you handle this for me, or send it to the appropriate person.

Thank you.

Jessica

On 11/11/2010 1:56 AM, jessica ernst wrote:

Jessica Ernst
Box 753 Rosebud AB
T0J 2T0
P/O SE-13-27-22-W4M

Dear Mr. McClenaghan,

Thank you for sending me EnCana's September 15, 2010 letter. Would you please explain, in detail, where in EnCana's document their action plan is. All I see is that EnCana plans to reapply, they do not list what breaches need to be corrected, and how EnCana plans to bring the breaches into compliance.

I have contacted EnCana, endless times, for years now. The company just disrespectfully disregards or deflects my questions and concerns. Tonight, again, their K101 compressor at 7-13 is loud and annoying, and violating my legal right to quiet enjoyment of my property. The noise can easily be properly mitigated.

I see tonight that EnCana re-applied for their 2-13 that was in breach of ERCB Directives 035 and 056 but they made no attempt to address my outstanding concerns. I see that EnCana applied for the 8-13 also without addressing my concerns. Is EnCana in compliance with Guide 56? Is EnCana's Action Plan working?

A new concern that I must raise to the ERCB is that the 8-13 is very close to the Rosebud water reservoir. The hamlet had to pay almost \$700,000.00 for a new reservoir when the original blew up in an explosion after EnCana fractured the aquifer that supply the reservoir. EnCana does not even include the hamlet water reservoir on their survey. I think this must be included in the survey and the community must be consulted about how close and shallow EnCana plans to hydraulically fracture to the new reservoir, with full disclosure of the risks and what will be done if this reservoir too is destroyed or damaged.

Please review the attached peer reviewed paper by Dr. Theo Colburn "Natural Gas Operations from a Public Health Perspective" on the toxic chemicals used in drilling and fracturing, and public health

consequences of these. EnCana promised, in writing, to address cumulative affects and consult. I've seen no cumulative affects assessment by EnCana. Full chemical and emissions disclosure and risks to public health would be a start. On it's applications, EnCana indicated that the company met its consultation requirements. How can this be true if EnCana is not keeping it's written promise to consult?

Please send me a copy of the confidential attachments for both these wells, so that I may review them. EnCana's surveys for both these wells indicate breach of Directive 035 but I need more information to verify this.

I urge the ERCB to do the right thing and direct EnCana to appropriately and respectfully address my outstanding concerns, and those of others in my community. The company and the ERCB know what EnCana did to Rosebud aquifers and how dangerous our drinking water is.

The most important question I have for the ERCB is why was EnCana's application for the 2-13 approved in the first place?

Please openly (accessible to the public) put on file for these wells the concerns I sent to Mr. Stephen Smith on Sept 17 2010 that he then forwarded to you, with my supporting documents. If you need me to resend them to you, please let me know.

Thank you.

Jessica Ernst

On 10/8/2010 2:36 PM, Gavin McClenaghan wrote:

Dear Ms. Ernst,

Please find attached EnCana's September 15, 2010 letter where it self-disclosed this matter to the ERCB. Also included is EnCana's analysis of what went wrong and its action plan to prevent this from happening again.

I am sorry, but I cannot undertake to keep you informed of future applications that may be registered in Sections 12 and 13-27-22W4M. You may contact the potential applicants directly (including EnCana) and/or you may file an objection with the ERCB.

If you require further assistance on this matter from myself, please note that I will be out of the office next week and not checking messages. I will be back in the office on October 18,

Gavin

Gavin McClenaghan - Section Leader

ERCB Facilities Applications - Audit Section

Phone: (403) 297-6847

Fax: (403) 297-4117

e-mail: gavin.mcclenaghan@ercb.ca

-----Original Message-----

From: jessica ernst [<mailto:ernstj@telusplanet.net>]

Sent: Tuesday, October 05, 2010 4:04 PM

To: Gavin McClenaghan

Subject: Re: EnCana 02-13-27-22-W4M in breach of ERCB Directives 035& 056

Jessica Ernst

Box 753 Rosebud AB

T0J 2T0

Fax 403-677-2229

Dear Mr. McClenaghan,

Thank you for Email.

Please send me a copy of the September 15, 2010 letter from EnCana to you, and the company's plan to come into compliance and request to cancel their licence. I cannot find these in the file for Application Number 1661153.

Please also keep me apprised of any future applications at that well site, and in Sections 12 and 13-27-22-W4M, given my concerns.

Thank you.

Sincerely,

Jessica Ernst

Landowner PO SE-13-27-22-W4M

On 10/4/2010 2:26 PM, Gavin McClenaghan wrote:

Dear Ms. Ernst,

Sorry for not getting back to you sooner.

Thank you for your letter of September 17, 2010. In your letter you outline a number of items that you feel EnCana did not do, or did not do properly, with respect to application number 1659755. The ERCB takes all allegations of non-compliance events very seriously.

In this instance, prior to receiving your letter, EnCana identified that it did not complete all required work prior to filing the application. This was self-disclosed on September 14 via a phone call to myself and followed up with a letter on September 15. As part of the self-disclosure the ERCB requires an applicant to put forth a plan to bring the matter into compliance. In fulfillment of that requirement, and as part of EnCana's self-disclosure, EnCana requested that the well licence be cancelled. This request was entered into the ERCB's application system as application number 1661153. This application was approved, cancelling the well licence, on September 16, 2010. Facility Applications - Audit considers that the surrender of the licence brings this event into compliance, consistent with Directive 019.

As per Section 6 of ERCB Directive-019, Compliance Assurance - Enforcement, the ERCB will not initiate enforcement action when the non-compliance has been properly self-disclosed to the ERCB. As EnCana met all the criteria for a proper self-disclosure between September 14 and September 16 Facilities Applications - Audit closed this matter. Therefore, no enforcement action has been taken nor is enforcement deemed appropriate at this time.

Thank you once again for your letter. If you wish to discuss this matter further please feel free to contact me via e-mail or at 403-297-6847.

Gavin

Gavin McClenaghan - Section Leader

ERCB Facilities Applications - Audit Section

Phone: (403) 297-6847

Fax: (403) 297-4117
e-mail: gavin.mcclenaghan@ercb.ca

-----Original Message-----

From: jessica ernst [<mailto:ernstj@telusplanet.net>]

Sent: Friday, September 17, 2010 4:57 PM

To: Stephen Smith

Cc: Koreen.Griffiths@Encana.com; janaya.flower@encana.com; Gavin McClenaghan; Evan Knox; Heather von Hauff; Knull, Stacy; ataylor@dillon.ca; Brenda Austin

Subject: EnCana 02-13-27-22-W4M in breach of ERCB Directives 035& 056

Jessica Ernst
Box 753 Rosebud AB T0J 2T0
Landowner, PO SE 13-27-22-W4M

Mr. Stephen Smith,
ERCB Applications Group

Dear Mr. Smith,

I trust all is well with you and yours.

Please find letter and supporting documents attached regarding EnCana 02-13-27-22-W4M and other.

Please kindly acknowledge receipt of my letter and supporting documents.

Thank you.

Sincerely,

jessica ernst



VIA REGISTERED MAIL

Encana Corporation
Heather Tanaka
Solicitor
150 - 9th Avenue S.W.
Calgary, AB T2P 2S5

tel: (403) 645-6941
fax: (403) 645-3667
email: heather.tanaka@encana.com
www.encana.com

May 8, 2012

Jessica Ernst
Box 753
Rosebud, AB
T0J 2T0

Dear Ms. Ernst:

Re: Water well test as per Directive 035, SE 13-027-22W4

Encana Corporation is planning to drill 3 CBM/Shallow gas wells in proximity to your residence in the SE 13-027-22W4. The gas wells will be located in the NW 12-027-22W4 (single gas well from existing pad) and the SE 13-027-22W4 (2 gas wells from an existing pad). This drilling activity involves the drilling, perforating and fracing of a coalbed methane (CBM) seam located above the base of the ground water protection. Encana is required to offer a water well test to residences that fall within a specific radius of this activity as per Directive -035.

This water well test is part of a standard introduced by Alberta Environment (AE) to address landowners concerns with respect to CBM gas wells drilled and completed above the base of the ground water protection as implemented and enforced by the Energy Resource and Conservation Board (ERCB).

Your property falls within the specified radius described in D-035 and if you have any water wells located on this property that you would like tested please contact me within 10 days at the number below and we will make arrangements to test your water well.

If you do not responded to this letter within the 10 day period then we will record this as you not being interested in participating in the Directive 035 (D-035) water well testing program. This will also be recognized by both Alberta Environment and the ERCB.

Yours truly,

ENCANA CORPORATION

Heather Tanaka
Legal Counsel
Canadian Division

HT/bik



120

Encana Corporation
150 - 9 Avenue SW
PO Box 2850
Calgary, Alberta, Canada T2P 2S5



VIA REGISTERED MAIL
Jessica Ernst
Box 753
Rosebud, AB
T0J 2T0



753

18 May 2012

Office of the Information and Privacy
Commissioner
#410, 9925 - 109 Street NW
Edmonton, AB T5K 2J8
ATTN: Teresa Cunningham, Adjudicator
Via Courier

RE: FOIP Order 2012-06

This letter is to confirm that we have complied with the required actions in the above Order:

[para 225] We have once again consulted with Alberta Environment and Sustainable Resource Development (AESRD). All files relating to Investigation file No. 7894 (the Applicant's file) are with Alberta Environment and Sustainable Resource Development's legal department and are client-solicitor privileged as a result of the Applicant's legal suit against EnCana, ERCB and The Department. Therefore, these records fall under Section 4(1)(k). Through our consultations, we have also confirmed that there are no further records in any other files in the possession of AESRD that are responsive to the Applicant's access request.

[para 226] We have reconsidered the information we withheld as nonresponsive and are providing the majority of the pages to the Applicant.

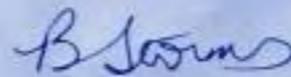
[para 227] We are disclosing the remaining information withheld under Section 24(1). We reconsidered records 606-614 and 636-644 and are continuing to withhold them under Section 24(1). For record 670, we are releasing the information that was withheld under 24(1), but continue to withhold the portion that was deemed nonresponsive.

[para 228] We have continued to withhold the contact information of Well Owner E, but have provided the name and legal land description on the appropriate pages.

[para 229] We have disclosed all remaining information as per the Order.

The disclosed information is en route (in a single box) to the Applicant via Xpresspost.

[para 230] A refund cheque in the amount of \$4125 is en route to the Applicant under separate cover via Xpresspost.



Barb Storms
Portfolio Manager, Information Management

cc: Ms. Jessica Ernst
Ernst Environmental Services