

# Frac'ing & Regulator Fraud in Canada


## “The Alberta Model”

by Jessica Ernst  
November 19, 2016


Ambassador's letter inviting me to present today:

“we recognize [Fracking] is one of the most serious environmental problems that humanity faces today.”

Yours truly,



**Wilmer Omar Barrientos Fernández**  
Ambassador of the Bolivarian Republic of Venezuela



Andrew Nikiforuk

# SLICK WATER

**Fracking**

and One Insider's Stand

Against the World's

Most Powerful Industry



Canadian Association  
of Petroleum Producers



# Migration of Methane into Groundwater from Leaking Production Wells near Lloydminster

Report for Phase 2 (1995)

March 1996  
CAPP Pub. #1996-0003


# CAPP Gas Migration Study (Final Report 1995)

~24,000 historic Alberta water well records were  
reviewed by the regulator

17 (0.07%) reported “gas” present before  
oil & gas development (1935-53)

41 (0.17%) reported “gas” present after (1960-95)

# Historic Alberta Water Well Records:

 <b>Water Well Drilling Report</b> <small>The data contained in this report is supplied by the Driller. The province disclaims responsibility for its accuracy.</small>		<b>Well I.D.:</b> 0123548 <b>Map Verified:</b> Map <b>Date Report Received:</b> 1989/05/14 <b>Measurement:</b> Imperial	
<b>1. Contractor &amp; Well Owner Information</b> Company Name: UNKNOWN DRILLER Mailing Address: UNKNOWN Well Owner's Name: PECKLEY, F.L. P.O. Box Number: 723 City: ROSEBUD Province: ALBERTA Country: CANADA Drilling Company Approval No.: 00000 Postal Code: T0J 2T0		<b>2. Well Location</b> 1/4 or Sec Twp Rge West of LSD 8E 13 02T 22 4 M Location in Quarter 0 FT from 0 FT Boundary Lot Block Plan Well Elev: FT How Obtained: Not Obtain	
<b>3. Drilling Information</b> Type of Work: Chemistry Reclaimed Well: No Date Reclaimed: Materials Used: Proposed well use: Domestic Method of Drilling: Drilled Flowing Well: No Gas Present: No Rate: Gallons: 0 Oil Present: No Requirements/day: 0 Gallons		<b>8. Well Yield</b> Test Date: Start Time: (yyyy/mm/dd): Test Method: Non pumping FT static level:	
<b>4. Formation Log</b> Depth from ground level (feet) <b>Lithology Description</b>		<b>5. Well Completion</b> Date Started (yyyy/mm/dd): Date Completed (yyyy/mm/dd): Well Depth: 190 FT Casing Type: Borehole Diameter: 0 Inches Size OD: 0 Inches Well Thickness: 0 Inches Bottom at: 0 FT Top: 0 FT Bottom: 0 FT Perforations: from: 0 FT to: 0 FT from: 0 FT to: 0 FT from: 0 FT to: 0 FT Perforations Size: 0 Inches x 0 Inches 0 Inches x 0 Inches 0 Inches x 0 Inches Perforated by: Seal: from: 0 FT to: 0 FT Seal: from: 0 FT to: 0 FT Seal: from: 0 FT to: 0 FT Screen Type: from: 0 FT to: 0 FT Screen ID: 0 Inches Slot Size: 0 Inches Screen Type: from: 0 FT to: 0 FT Screen ID: 0 Inches Slot Size: 0 Inches Screen Installation Method: Fittings: Top: Bottom: Pack: Grain Size: Amount: Geophysical Log Taken: Retained on File: Additional Test and/or Pump Data: Chemicals taken By Driller: No HPL: 1 Documents Held: 1 P/Bess Adapter Type: Drop Pipe Type: Length: Diameter: Comments:	
<b>7. Contractor Certification</b> Driller's Name: UNKNOWN DRILLER Certification No.: This well was constructed in accordance with the Water Well regulation of the Alberta Environmental Protection & Enhancement Act. All information in this report is true. Signature Yr Mo Day		Total Drawdown: FT If water removal was less than 2 hr duration, reason why: Recommended pumping rate: Gallons/Min Recommended pump intake: FT Type pump installed: Pump type: Pump model: H.P.: Any further pumped information?	

Report 1

About time frac'ing started,  
0.18% had methane present



Method of Drilling

---

Flowing Well:

Gas Present: No

---

I bought my place at Rosebud  
in 1998



# Natural gas in fresh water wells

Usually at low levels, does not dramatically change.

Dr. Muehlenbachs: Microbial gas doesn't produce ethane

CAPP “baseline” study, dissolved levels very low, **most < 1 mg/l**  
**(Risk of explosion at 1 mg/l if water passes confined space)**

Regulator study: methane/ethane not detected in 90% water wells in coal.

Dr Bernard Mayer: free gas seldom in water wells



~ 2300 historic water well records 50 km<sup>2</sup>  
around my home completed prior to the  
arrival of shallow frac'd Coalbed Methane  
(~2001)

4 (0.17%) noted the presence of a gas that  
could be methane

# The Canadian Council of Ministers of the Environment 2002 report:

Unconventional natural gas drilling poses a  
**real threat** to groundwater  
quality & quantity

Canada needs “baseline hydrogeological investigations....to be able to recognize and track groundwater contaminants.”

Instead,



Encana's secret frac experiments into drinking water aquifers begin without "baseline" hydrogeological assessments

2001-2004

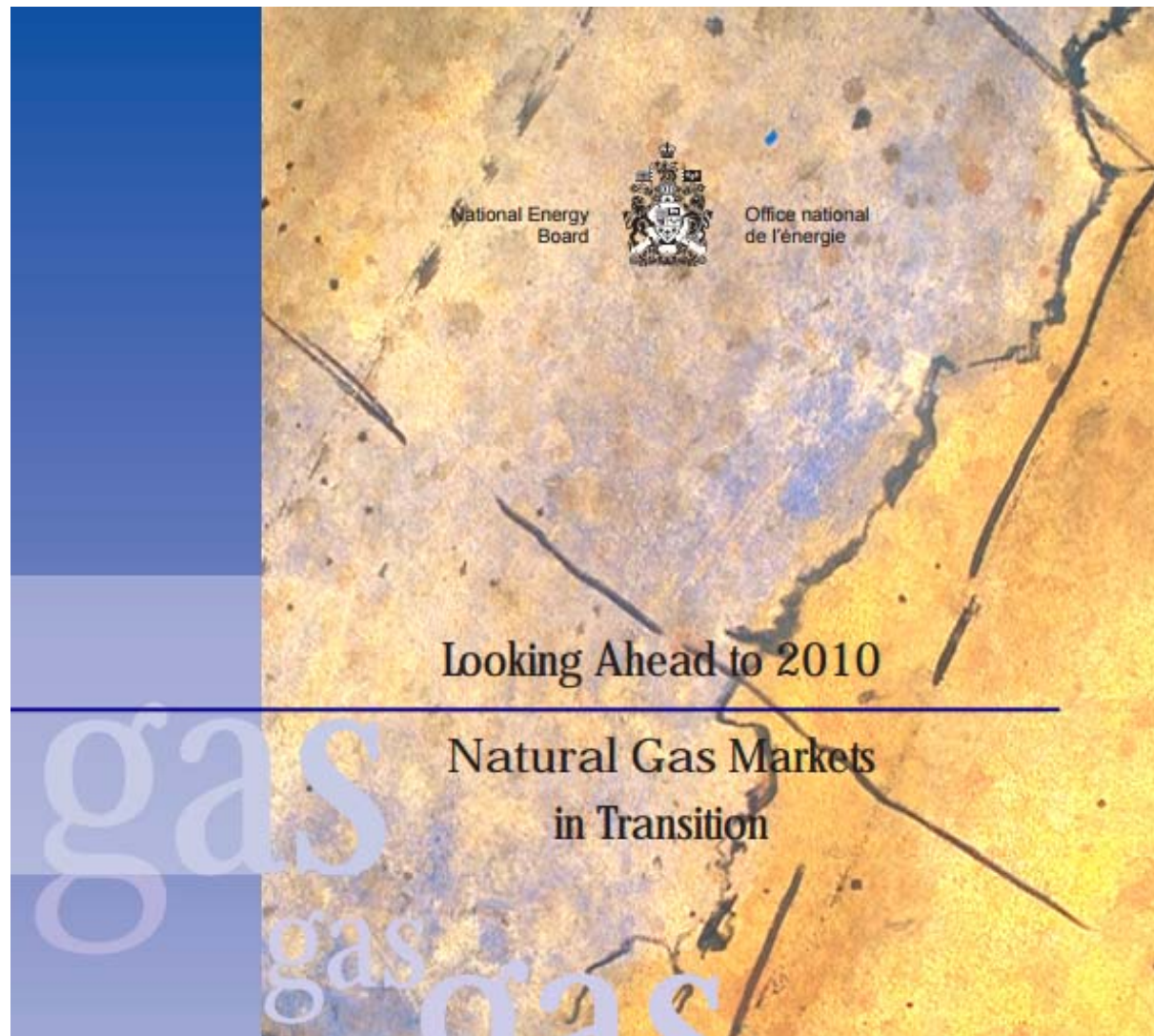
Encana secretly perforates & fractures into,  
contaminates Rosebud's drinking water  
aquifers, violating laws & regulations

Regulators engage in fraud, helping Encana  
keep this secret

2004: Encana landman cons citizens to sign  
illegal “blanket approval” documents

Regulator enables it.

2004: Companies ask govts & regulators for blanket approval for unconventional oil & gas





A decade later,

The Alberta regulator granted blanket approval in Fox Creek (home of world record 4.8M frac quake; frac'ing has been proven to directly cause earthquakes).

Blanket approval is now province-wide.

# 2003 – Frac'd Life begins

## **With Noise**

**EnCana continues to violate my legal right  
to quiet enjoyment of my home & land**

**2003: Test by EnCana on my well**

**Water appearance: *Clear***

**Tester did not report visible gas in my water**

# M & M Drilling Co. Ltd.

Box 1, Site 22, RR 2, Strathmore, AB T1P 1K5

(403) 934-4271 • Fax (403) 934-4865

Name: ERNST, JESSICA

Test #: 1061 - 2211

Address: BOX 753

Date: 6/20/2003

Location: ROSEBUD, ALBERTA

Start Time: 8:45 AM

Post. Code: T0J 2T0 Phone: 677-2074

Static Level: 28' 5"

Tested For: ENCANA CORP., G. PEKRUL

Well Name: ECA/ECOG REDLANDS

Well Location/Description: SE-13-27-22-W4 HOUSE WELL

Land Location: 14-12-27-22-W4

Pumping Rate: STATIC & SAMPLES ONLY

AFE Number: CD05391

GPS N-51-18-02.2 W-112-57-41.1

Readings By: DAVID SAWYER

☒ PRE-TEST ☐ POST TEST ☐ REALESTATE

Well Location On Site: IN OLD BARN NORTH OF HOUSE

Pit Type: WELL HEAD

Pit Condition: N/A

Pump Size and Type: 2 WIRE SUBMERSIBLE

Tank Size and Type: MARK IV CONSTANT PRESSURE

Casing Size and Type:

Liner Size and Type: N/A

Well Depth: N/A

Water: - Appearance

☒ Clear ☐ Colour

- Odor

☐ None ☒ Yes

SLIGHT H2S

- Suspended Solids:

☐ None ☒ Yes

FEW BLACK PARTICLES

Pumping Procedure: - Open Discharge:

☒ No ☐ Yes

- Pressure Tank

☐ No ☒ Yes

- Pressure Reading

N/A

- Special Fitting

☐ None ☒ Yes

3/4" PUMP OUT HOSE

Samples Taken: ☐ Chemical23:

☐ Other Sample

☒ Chemical51:

☒ Coliform Bacteri.

☐ Heavy Metals:

☒ TOC

☒ H2S:

☐ Oil And Grease:

Lab where samples were tested:

☒ WSH ☐ Other

Measurement Taken From:

CASING TOP

Miscellaneous test information:

SAMPLES TAKEN FROM PUMP OUT HOSE  
WELL OFF FOR ONE HOUR BEFORE STATIC TAKEN

Well Depth: N/A

Water: - Appearance ☒ Clear ☐ Colour

**EUB COMPANY INFORMATION**  
**CURRENT TO June 29, 2007**

ENCANA CORPORATION			
Box 2850, 150 - 9 Avenue SW Calgary, AB T2P 2S5			
403-645-2000		<b>BUSINESS ASSOCIATE CODE:</b>	00

**EUB WELL PRODUCTION DATA**  
**CURRENT TO MAY 25, 2007**
**AVERAGE DAILY PRODUCTION RATE**

JANUARY	MARCH	APRIL	MAY	JUNE	JULY	AUGUST	SEPTEMBER	OCTOBER	NOVEMBER	DECEMBER
	0	0	0	0	0	96	0	0	0	0

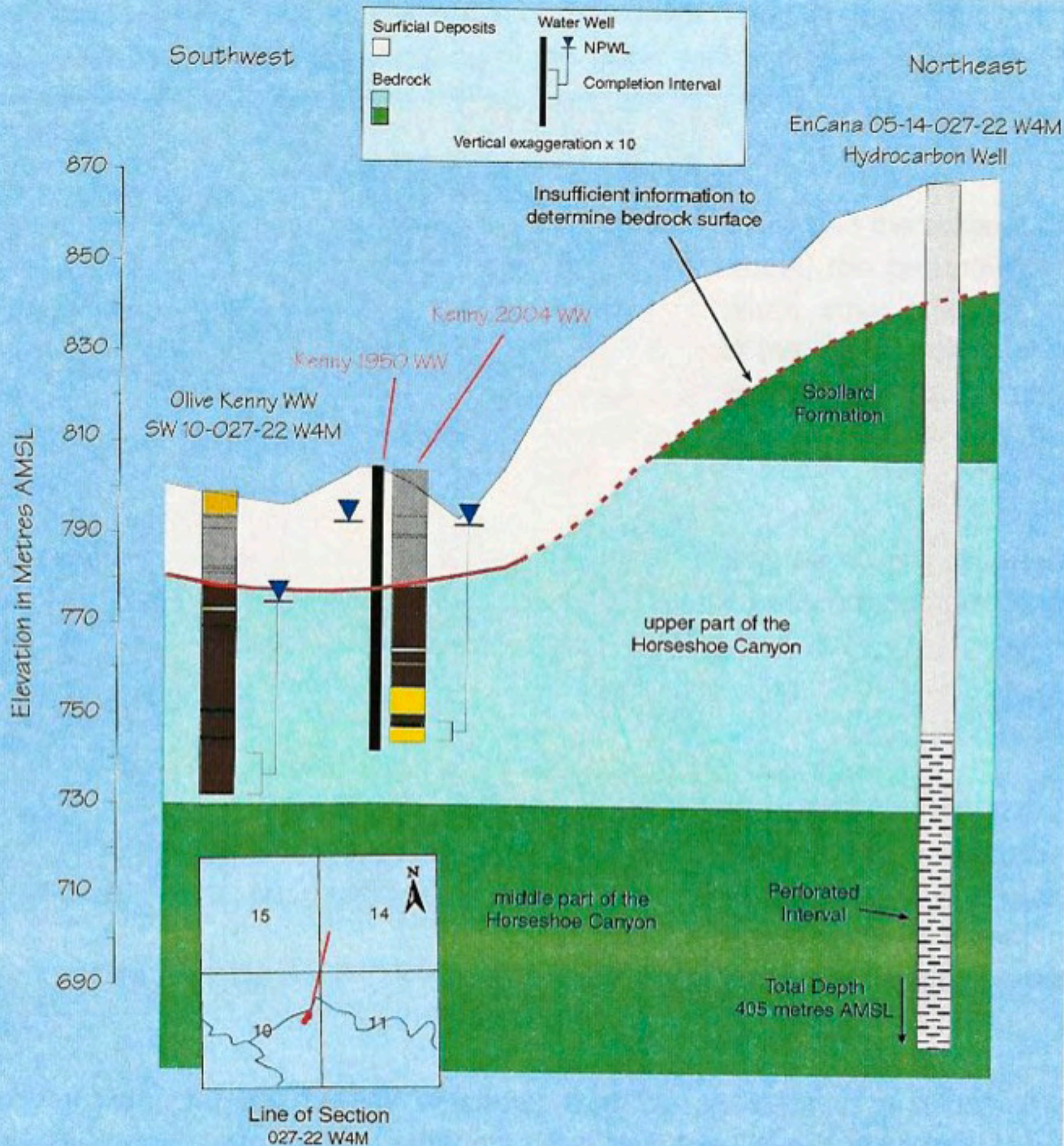
**EUB WELL LICENSING DATA**

	0274221405000	<b>WELL LICENCE NUMBER:</b>	0293679
	Section 2.020	<b>WELL LICENCE DATE:</b>	SEPTEMBER 24, 2003
	05-14-027-22 W4	<b>SURFACE OFFSETS:</b>	N 570 E 40
<b>DE:</b>	51.304912	<b>LONGITUDE:</b>	113.004771
<b>ATITUDE:</b>	0	<b>LONGITUDE:</b>	0
ENCANA CORPORATION			

## EUB WELL TOUR - PERFORATION / TREATMENT DATA

DATE	TYPE	INTERVAL TOP	INTERVAL BASE	SHOT
Feb 15 2004	JET PERFORATION	418.9	419.9	13
Feb 15 2004	JET PERFORATION	415.5	416.5	13
Feb 15 2004	JET PERFORATION	374.3	375.3	13
Feb 15 2004	JET PERFORATION	371.7	372.7	13
Feb 15 2004	JET PERFORATION	358.4	359.4	13
Feb 15 2004	JET PERFORATION	354.5	355.5	13
Feb 15 2004	JET PERFORATION	347.8	348.8	13
Feb 15 2004	JET PERFORATION	342.6	343.6	13
Feb 15 2004	JET PERFORATION	284.9	286.9	13
Feb 15 2004	JET PERFORATION	283.5	284.5	13
Feb 15 2004	JET PERFORATION	259.3	260.3	13
Feb 15 2004	JET PERFORATION	248	250	13
Feb 15 2004	JET PERFORATION	244.9	245.9	13
Feb 15 2004	JET PERFORATION	238.6	239.6	13
Feb 15 2004	JET PERFORATION	234.6	235.6	13
Feb 15 2004	JET PERFORATION	228.7	230.7	13
Feb 15 2004	JET PERFORATION	222	223	13
Feb 15 2004	JET PERFORATION	220.1	221.1	13
Feb 15 2004	JET PERFORATION	186.1	187.1	13
Feb 15 2004	JET PERFORATION	177.1	178.1	13
Feb 15 2004	JET PERFORATION	141.4	142.4	13
Feb 15 2004	JET PERFORATION	133	134	13
Feb 15 2004	JET PERFORATION	131.7	132.7	13
Feb 15 2004	JET PERFORATION	125.5	126.5	13
Mar 2 2004	FRACTURED	131.7	419.9	0
Jul 12 2004	CEMENT SQUEEZE	141.4	142.4	0





**South-North Cross-Section**



## Intervals

(Liner Bottom at: 463.0 m)

-- Completion Interval(s) --

Slotted: **121.5** to **122.5 m** - **2** - Method: **Other**

Slotted: **127.7** to **130.0 m** - **2** - Method: **Other**

Slotted: **137.4** to **138.4 m** - **2** - Method: **Other**

Slotted: **173.1** to **174.1 m** - **2** - Method: **Other**

Slotted: **182.1** to **183.1 m** - **2** - Method: **Other**

Slotted: **216.1** to **219.0 m** - **2** - Method: **Other**



# Open House Oct 21, 2004

EnCana promised that they would only frac  
far below our fresh water aquifers  
and below the impermeable layer to prevent  
gas migration into our water.

**\$150,000 promise to Rosebud Theatre**

# January 11, 2005, Rosebud water tower blows up in an explosion

“Investigators say an accumulation of gases appears to have caused the Jan. 11 explosion that destroyed the Rosebud water reservoir building and sent a Wheatland County employee to hospital with injuries.”

Strathmore Standard, Jan 27, 2005

# My water dramatically changed

Whistling taps/blowing gas

Caustic burns to skin/irritated eyes.

Painful cracks on hands after doing dishes

Soaps/shampoos no longer make suds

Gas spurting water out of tub & toilets

Dogs repulsed by the water

Photo by Chris Schwarz,  
Edmonton Journal





# December 13, 2005

## Edmonton Journal

edmontonjournal.com

EDMONTON'S NEWSPAPER SINCE 1913

### Tainted water lights fire under gas fears



# Feb 28, 2006

## Alberta Legislature



Environment Minister  
promised affected  
families

safe alternate water  
“now and into the future”

regardless if  
the methane is from  
“natural flow”  
or not.

## 2006: Regulator tests Ernst's water & blames her before lab results in



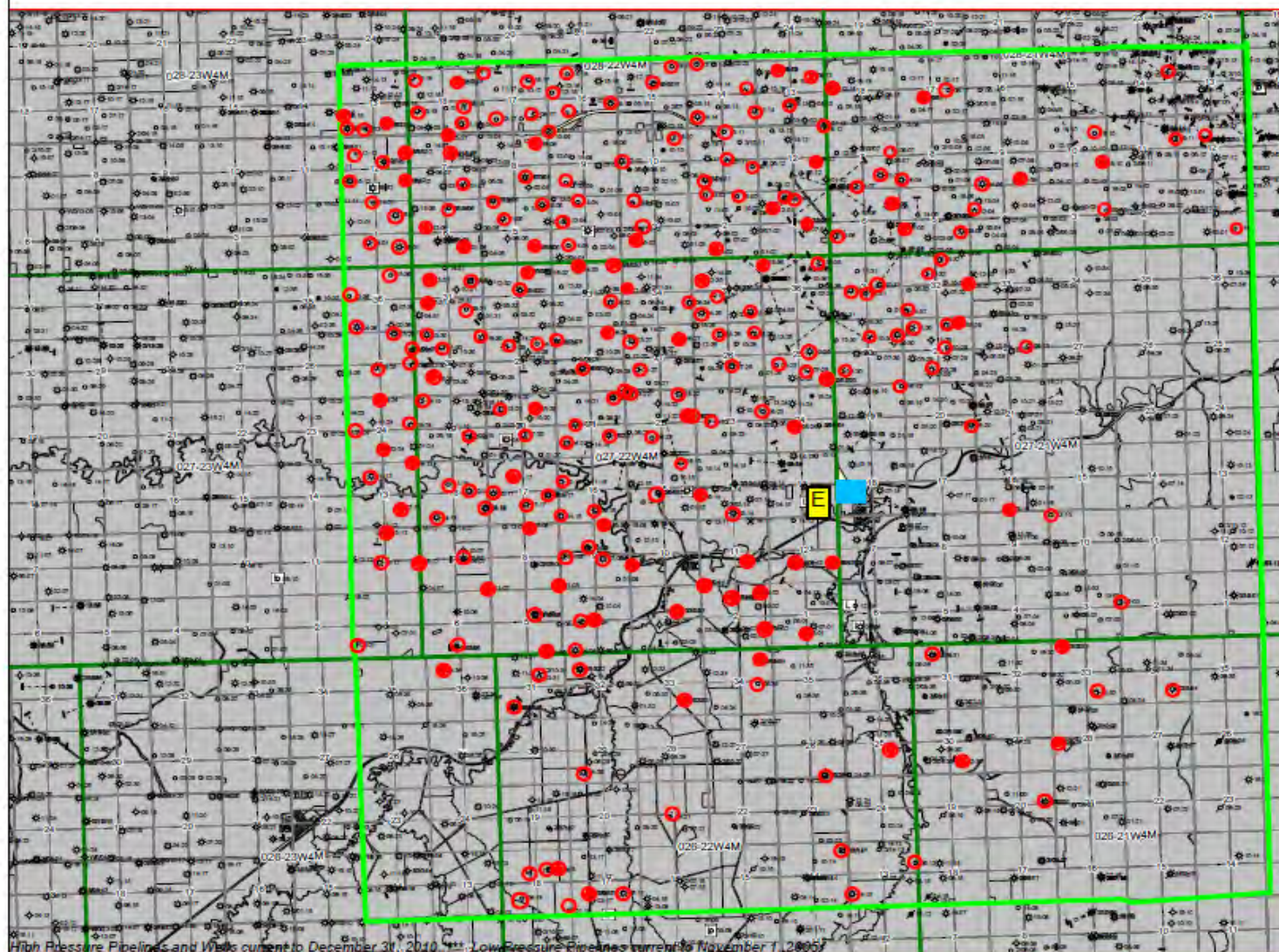
March 3, blames me because I don't use enough water.

March 6, meeting with Minister Guy Boutilier & Deputy Minister Peter Watson, blame me because I use too much water.



# Shallow Gas Wells Drilled and Frac'd Near Rosebud, Alberta

Circles: EnCana Wells Perforated and or Hydraulically Fractured Above the Base of Groundwater Protection before April 2006  
Solid dots: EnCana Wells Perforated and or Hydraulically Fractured Above 200m before April 2006

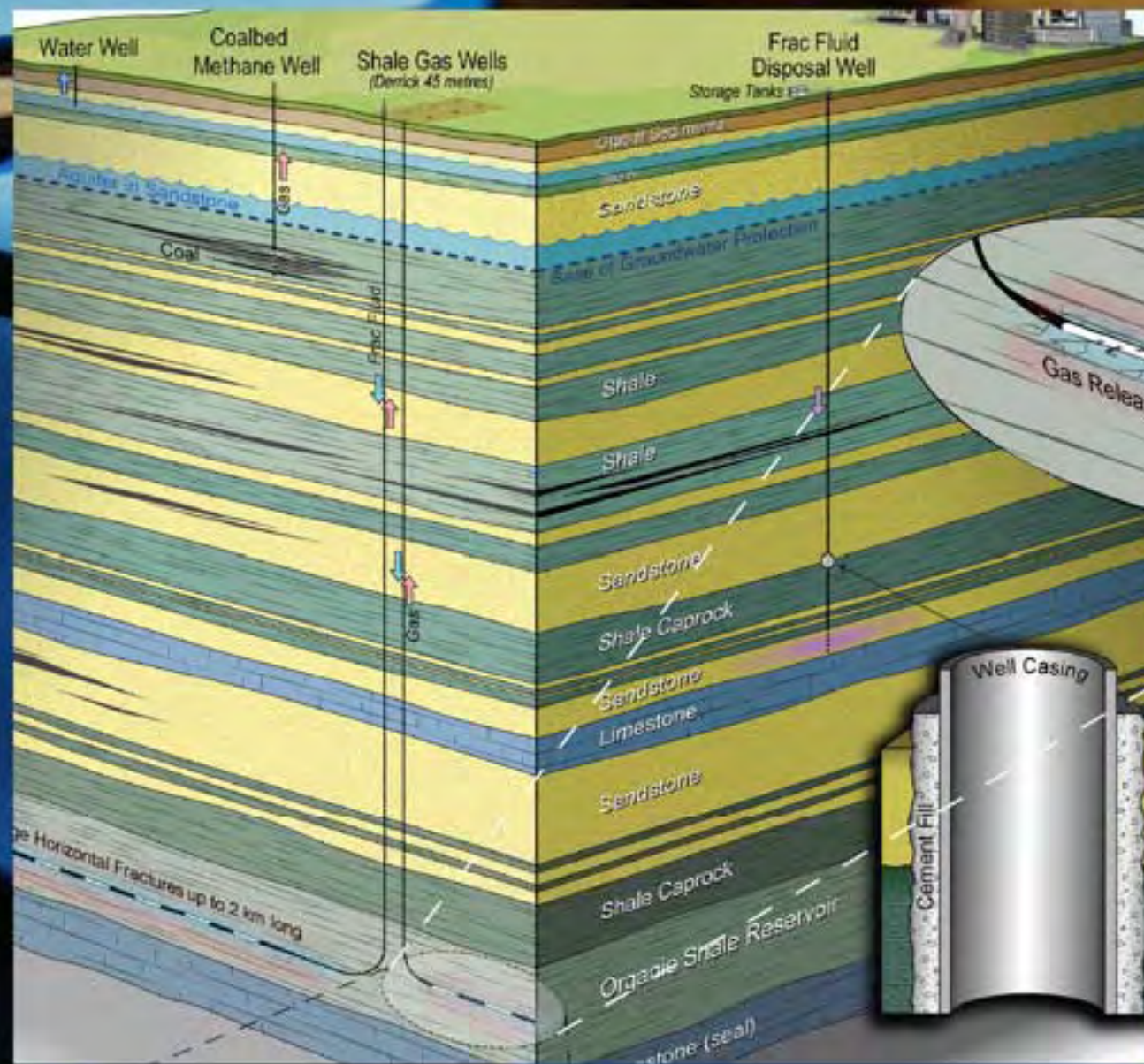


E = approximate location of Ernst property

~ 1 mile

□ = Rosebud Community Water Tower that exploded in 2005





## **2006: Blame Nature Fraud**

After Ernst went public with Encana's data  
proving Encana broke the law and frac'd  
Rosebud's drinking water aquifers,

Regulators & politicians tell harmed  
citizens & the public  
most water wells are "naturally"  
contaminated with methane



# Regulator's "Baseline" Testing Fraud

- Only required if frac'ing CBM wells in fresh water zones, not other energy wells frac'd in fresh water zones or
- any energy wells frac'd deeper.

Not even lawyers can get companies to conduct "baseline" water well tests before frac'ing shales.

Companies were previously testing water wells 1 miles from conventional or unconventional energy wells no matter what depth frac'd

Even though these were found by regulator in Rosebud drinking water after Encana's fracturing, "baseline" testing not required:

- BTEX
- Petroleum Distillates
- Propane, butane, pentane, hexanes, heptanes, *etc*
- Metals *eg*, increase in methane in groundwater may cause strontium & barium to increase (Omni McCaan, 2007)

## Canada-wide:

No testing required for the  
chemicals injected in drilling,  
cementing, acidizing, frac'ing,  
servicing

[Fracfocus Fraud created by industry 6 years later]

# Dissolved vs. Free Gas

If only test for presence of gas in water, impossible to prove an increase after frac'ing.

**Dissolved methane test is voluntary!**

“the standard is currently restricted to analyzing the composition and isotopic values of free gas, and hence does not provide baseline information for the dissolved gas phase” Dr. Bernard Mayer

Some companies, including Encana, refuse to provide this \$100 test. Why?

# Gas well vs. water well gas

Only gases from water wells are  
fingerprinted

What will the fingerprints be matched to?

After your water is frac'd & contaminated,  
how will you make the guilty company  
provide fingerprints from their wells?

# April 2006: Regulators *knew* Encana had contaminated our water!!



Two Labs:

- 1) Maxxam: “(3-14-27-22-w4m and 102/8-27-22-w4m) it is a likely source of this water well gas”
  
- 1) Dr. Karlis Muehlenbachs: “indicates a source from or near the shallower wells, 27-22-W4M”

(obtained via FOIP, 2 years later)

# 2006: Toxic chemicals found by the regulator in Rosebud Hamlet water:

Petroleum distillates,  
bromodichloromethane,  
phenanthrene,  
toluene,  
methyl ethyl ketone,  
xylene,  
benzene,  
butylbenzyl phthalate,  
di-ethyl phthalate,  
di-n-butyl phthalate,  
bis(2-ethyhexyl) phthalate and  
benzothiazole.

Hexavalent chromium (of Erin Brokovich fame) was found by the regulator in a monitoring well in the Hamlet [via FOIP results]



# Toxic Chemicals found by the regulator in my water

- March 3, 2006: 0.21 mg/L of F-2 petroleum hydrocarbons (primary components of various fuels including gasoline, kerosene, diesel fuel and jet fuel);
- **March 3, 2006: Chromium increased in my water by factor of 45 after EnCana fractured the aquifer that supplies my well.**
- June 6, 2007: 2.0 µg/L of 2-Propanol 2-Methyl. 2-Propanol 2-Methyl is a product of degrading methyl *tert*-butyl (MTBE), and may indicate MTBE contamination. Both 2-Propanol 2-Methyl and MTBE are hazardous;
- June 6, 2007: 3.6 µg/L of Bis (2-ethylhexyl) phthalate (BEHP). BEHP can cause cancer as well as damage to the liver after prolonged exposure.

May 16, 2006: Regulator Investigator  
Kevin Pilger refused to review  
*any* EnCana shallow frac data because:

EnCana “promised” it ***only***  
frac’d deeper than 600 metres  
below the surface

Alberta Environment **Lead Investigator** Kevin Pilger:  
“We can’t look at Encana’s data at the ERCB  
because you broke in and altered it all”



Kevin Pilger said he could not read the hydrogeological report that admitted Encana frac'd our aquifers because



Prepared by  
Hydrogeological Consultants Ltd.  
1-800-661-7972  
Our File No.: 04-510

January 2005

**PERMIT TO PRACTICE**  
HYDROGEOLOGICAL CONSULTANTS LTD.  
Signature \_\_\_\_\_  
Date 13 Apr 05  
**PERMIT NUMBER P 385**  
The Association of Professional Engineers,  
Geologists and Geophysicists of Alberta

© 2005 hydrogeological consultants ltd.

A large, stylized handwritten signature in blue ink, located on the right side of the document.

Ernst fraudulently fabricated it and forged the signatures and professional seal!

2006: Alberta regulator's  
**Gopher Shit Sampling Fraud**

**No** *E. coli* in Signer water tested by regulator  
investigator with 20 years experience

After regulator introduces gopher shit & mud  
into Signer well water,  
*E. coli* detected.

This fraudulent data from 1 sampling event on 1 citizen water well was used to dismiss contamination in everyone's contaminated water citing:

“naturally occurring methane”

“maintenance issues”

“bacteria”



**2006 Briefing Note by Alberta Research  
Council on the Contamination Cases  
(to blame bacteria), before the Council is  
retained to review the cases!**

[Obtained in 2008 via FOIP]

**“landowners may not willingly accept the  
findings determined by Alberta  
Environment and Alberta Research  
Council”**

# Methane in Rosebud Water

**30 – 66 mg/l**

Risk of explosion at **1** mg/l

(if water passes confined space in CAPP Gas Migration Report, 1996)

Compare to historic data:

My water well: Gas Present: **No**

CAPP 1996: most < 0.05

# CAPP Testimony to Parliamentary Committee, Environment & Sustainable Development, Evidence, May 8, 2007

On testing for methane in water wells:

*Mr. David Pryce, CAPP:*

“If it is present, the **presumption** is that it’s  
naturally occurring....”

# EnCana frac'd & still frac's biogenic naturally occurring methane



# 2007: Regulator's Monitoring Fraud

3 monitoring water wells drilled 6 years too late, after Encana illegally frac'd aquifers

Data collected to be used as “baseline” to “monitor” frac impacts to groundwater























# 2007 Regulator Lab Switch Fraud

Finally commits to comprehensive investigation,  
but, switches to U of C lab with least accurate  
equipment to avoid fingerprinting ethane in  
contaminated water wells

GCHEM Thermo MAT 253 needs 5ppm v/v ethane

U of A Thermo MAT 252 needs 10ppm v/v ethane

U of C Thermo Delta needs 300ppm v/v ethane

Harmed citizens ask regulator for duplicate  
samples, sent to U of A for ethane  
fingerprinting



# Regulator gas samples from contaminated Rosebud water wells, **ethane** fingerprinted by U of A:

Microbial gas in fresh groundwater

**No ethane**

## **2006 before regulator lab switch**

Dahm -44.27

Kenney -41.66

Ricard -42.00

Hamlet: Regulator collected too little to analyze, **refused to collect more**

**Encana gas well frac'd in fresh water zones -43.33**

(Only sampled 1/200 gas wells frac'd into fresh water zones)

Regulator study industry wells

**-38.95 to -45.89**

## **2007 after lab switch, duplicates**

Lauridsen -41.26

Signer -40.40

Ernst -44.70

# **Regulator (& Corporate) Sampling Fraud**

Over & Beyond the Gopher Shit Technique

Not collecting data from law violating energy wells, not even those frac'd in community drinking water supplies!

# Regulator (& Corporate) Sampling Fraud

Over & Beyond the Gopher Shit Technique

Not purging water wells appropriately

Not collecting enough water

Avoids gases in aquifers (affects concentration & fingerprints)

Signer water well accidentally purged appropriately by regulator (**110 mg/l methane, numerous other hydrocarbons collected**)

# Regulator (& Corporate) Sampling Fraud

Over & Beyond the Gopher Shit Technique

Putting filthy equipment into water wells, not wearing gloves, not washing hands

Collecting from kitchen tap, not water well

Collecting gas samples slowly, leaving vials open to let gases escape, **especially detrimental to ethane fingerprinting**

Letting samples sit in Alberta Research Council lab beyond allowable date for analysis



2007

Alberta Environment retains  
the Alberta Research Council

to review the 5 water well  
contamination cases  
that had been reported in the  
media



2006/2007  
Annual report,  
Page 14

“Understanding Alberta’s Water Resources”

“Funding for this research comes  
from Alberta Environment,...  
EnCana....”



# 2007: Regulator Secret Editing Fraud

Steve Wallace edited the Research Council's (Dr. Alexander Blyth's) "independent" reports



Instead of using the damning  
data the regulator  
collected in our community  
they used  
data from energy wells  
**over 100 miles away**

(that were frac'd much deeper!)

# April 2008: Alberta Environment Breaks Legislature Made Promise

Takes away the water deliveries

Declares our dangerously  
explosive & toxic water safe



Some days, there's a line up





2 thousand gallons takes about an hour to fill  
I forgot to bring a book





My turn. 185 gal tank.







Water tanks  
in my  
house

I had to give  
up my  
storage  
and  
laundry  
room

# 2010: Regulator Deleting History Fraud

Deleted historic water well records that said:

<b>3. Drilling Information</b>	
Type of Work: Chemistry	
Reclaimed Well	
Date Reclaimed:	Materials Used:
Method of Drilling: Drilled	
Flowing Well:	Rate: Gallons
Gas Present: No	Oil Present: No

Replaced with:

Did you Encounter Saline Water (>4000 ppm TDS)	_____	Depth	_____	ft	
	Gas	_____	Depth	_____	ft

Records above on Ernst Water Well

September 9, 2011  
CAPP unveils Voluntary Frac Rules

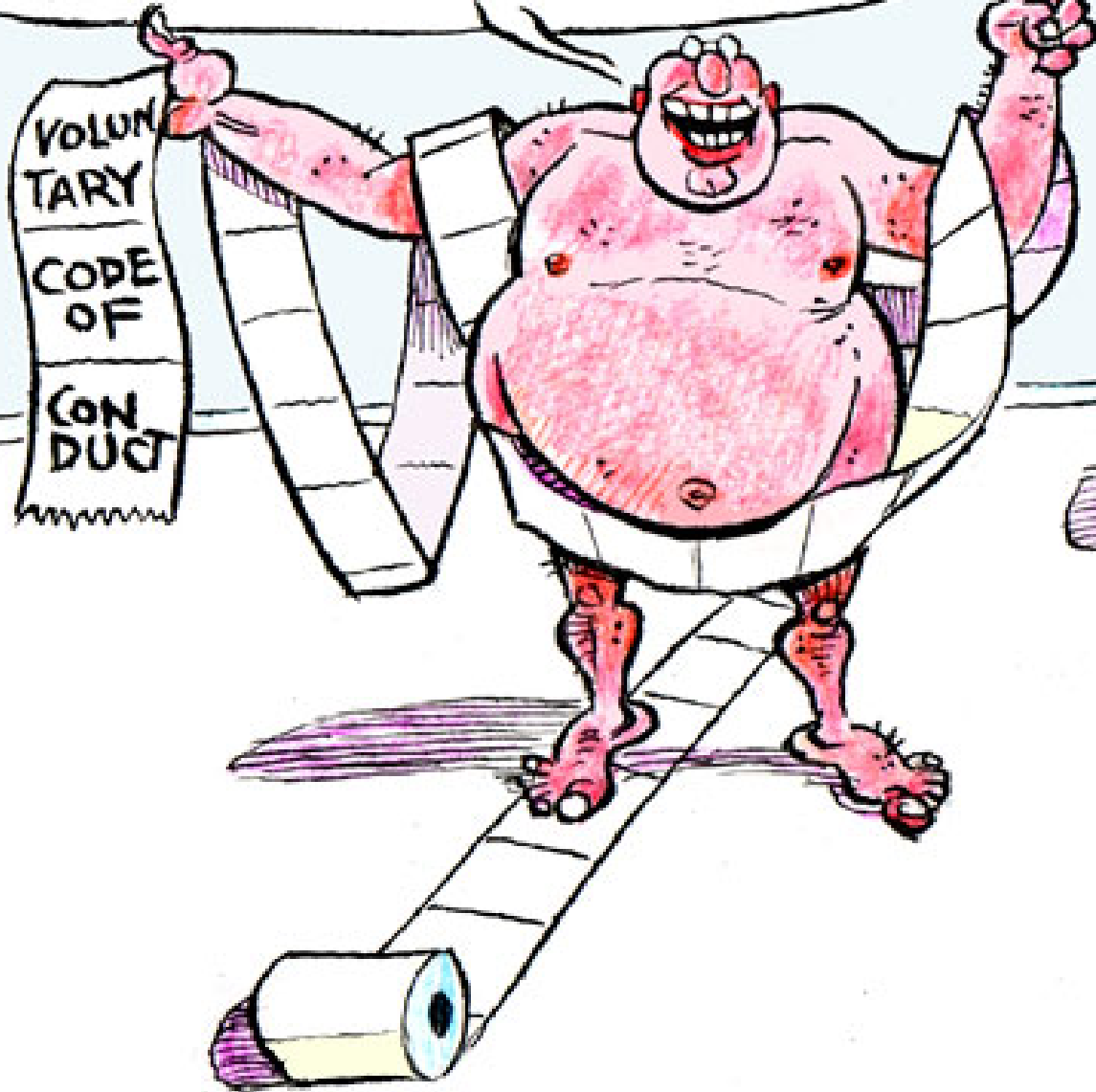
**“We have nothing to hide”**

*167,000 wells fracked in Alberta  
without a proven incident of  
groundwater contamination*



NOTHING LIKE A GOOD CORPORATE CODE  
OF CONDUCT, AS LONG AS IT REMAINS  
VOLUNTARY AND ONE REMAINS FREE  
TO DO WITH IT AS ONE WISHES!..

WWW.CORPWATCH.  
ORG



THE  
CORPORATION  
HAS NO  
CLOTHES



# EnCana website 2011

Hydraulic fracturing is the **safe, proven** and essential method to develop unconventional natural gas reserves. In use for more than 60 years throughout the oil and gas industry, there are no documented cases of groundwater contamination related to the hydraulic fracturing process.



October 6, 2011  
ERCB Bulletin 2011-29

**Removes limits for unconventional oil and gas**



# 2013 Alberta: **Fracfocus Fraud**

Industry created & controlled

- Trade Secrets allowed
- 30 days **post** frac'ing, too late for "baseline" water well testing
- Drilling, acidizing, perforating, cementing servicing chemicals **not** disclosed
- Zero disclosure for the 100,000's of frac'd wells before Jan 1, 2013, including into drinking water aquifers.

# 2013: Deregulating Regulator Fraud

## Encana VP Gerard Protti to Chair AER



### Gerard J. Protti

Executive Vice-President, Corporate Relations  
President, Offshore & International Division  
EnCana Corporation

Gerard Protti is Executive Vice-President, Corporate Relations, and President, Offshore & International Division, for EnCana Corporation. His Corporate Relations responsibilities include regulatory services and international, aboriginal, public and community relations. In addition, he is accountable for EnCana's programs regarding corporate responsibility, environment, health and safety, and security.



2013:  
Responsible Energy Development Act

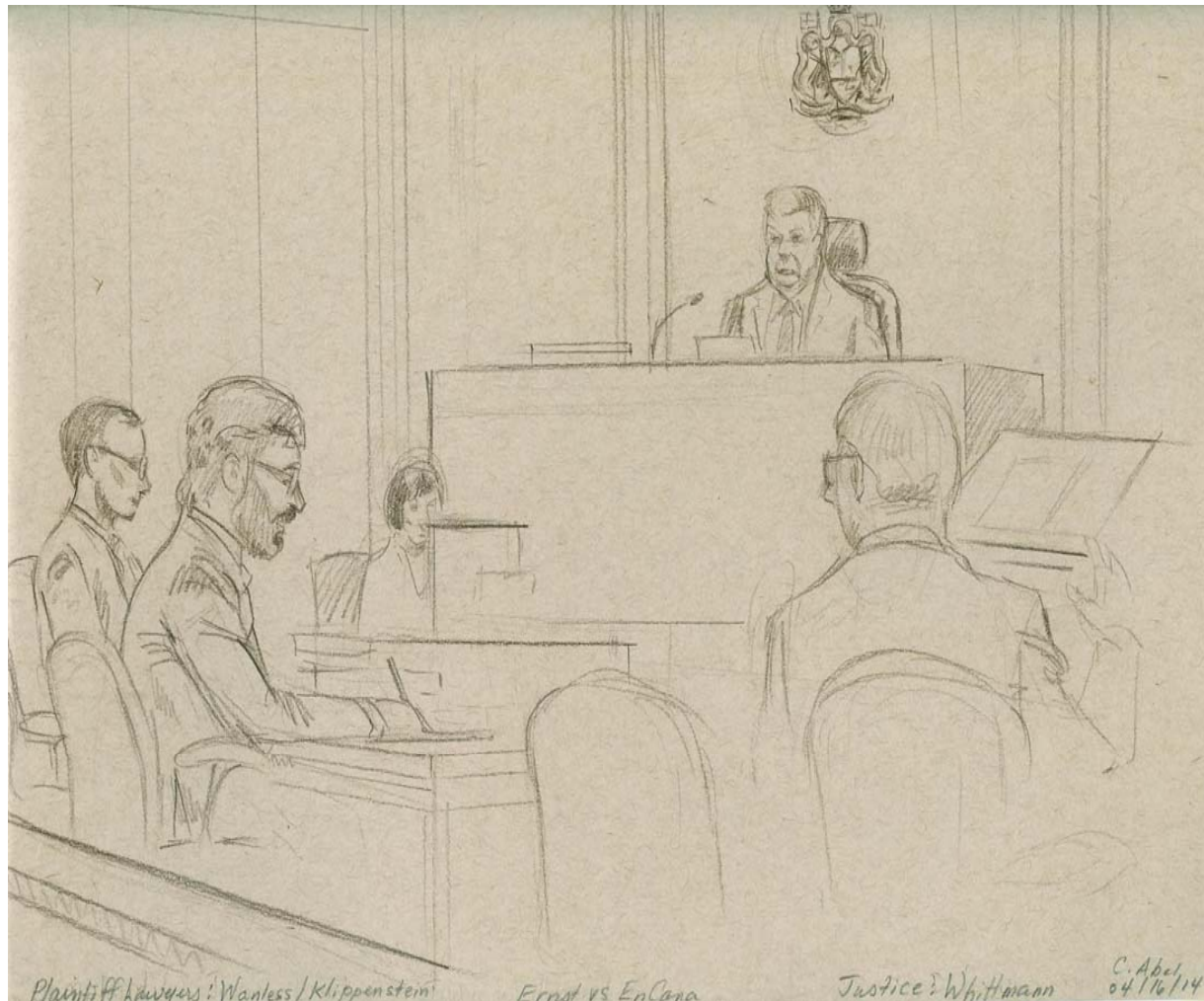
**Public Interest Removed**

No Public Health Mandate





**“There could be millions or billions of dollars worth of damages”**



April 16, 2014

Regulator  
lawyer

Neil Boyle's  
3<sup>rd</sup> attempt to  
get Ernst  
lawsuit tossed



# 2014: Federal Frac Panel Fraud

Council of Canadian Academies  
Frac Review Panel

Included:

Frac Patent holder

Dr. Maurice Dusseault

Dr. Bernard Mayer

Avoided damning research and  
data, and lied



ENVIRONMENTAL IMPACTS OF SHALE GAS EXTRACTION  
IN CANADA

The Expert Panel on Harnessing Science and  
Technology to Understand the Environmental  
Impacts of Shale Gas Extraction

# From 2014 Council of Canadian Academies Frac Review Report:

imply that any of these pathways are necessarily present at any given site. The pathway marked by a dashed line is hypothetical as there is no known case of migration of hydraulic fracturing fluids from the deep shale zone to the groundwater level directly through the overburden rock.

# Federal Energy Regulator Fraud?

## 2014: Canadian Gov't appoints Peter Watson to Chair National Energy Board



Watson was the  
Deputy Minister **who**  
**engaged in bullying &**  
**fraud covering-up** the  
water contamination  
cases

# Fall 2014:

- Alberta Court of Appeal rules Ernst can't sue regulator, upholds immunity. (Ernst ordered to pay regulator \$22,000 in costs)
- Justice Wittmann rules Ernst **can** sue Alberta gov't, even though it also has immunity. Gov't doesn't appeal.
- Ernst files Leave to Appeal, Supreme Court of Canada

# 2015 Regulator Shred Fraud



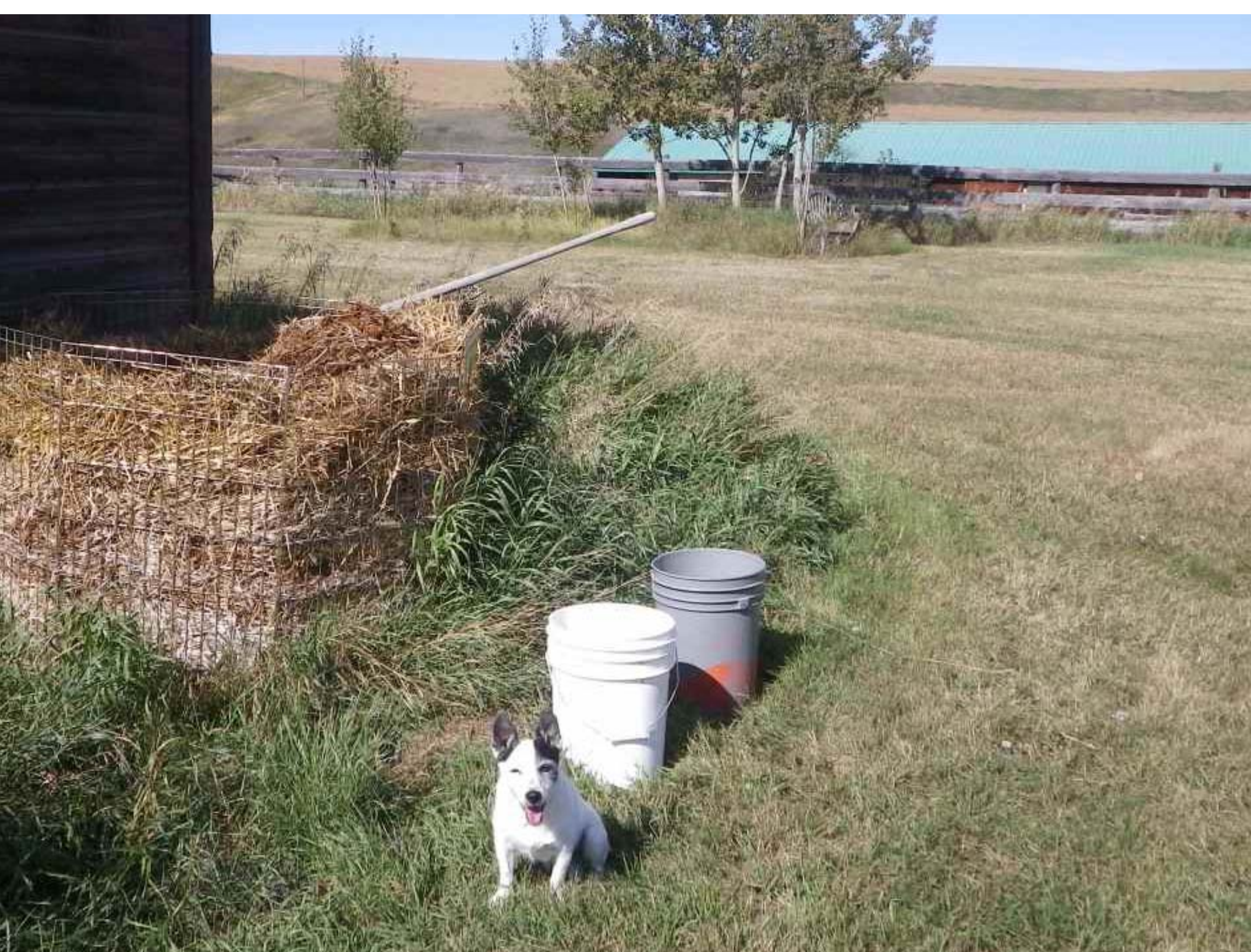
Illegally shreds 344 boxes of executive records, “including related to litigation”



Ernst's water too dangerous to use  
for even flushing toilets











When you're frac'd, there's no after care, not even after 9 years in Canada's legal system and spending > \$360,000 in legal costs

2012



2009



# Settle & Shut Up Advice by regulator's outside counsel Glenn Solomon





## Regulator outside counsel Glenn Solomon:

But, again,  
most of these cases resolve.

Okay, we damaged your water well.



We'll just set you up with potable water  
through a tank system forever,  
because, you know, we just spent  
a million dollars drilling this well  
that we made a hundred million on.  
And ... **Yeah.** ... it's costing us  
an extra \$ 300,000. **Yeah.**



2:53 / 4:43



And by the way by doing that you shut up,  
the regulators stay off our back,  
we get to do it again down the street.

And so,  
that's the oil company approach on these.

