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Lawyers From New York May Sue Gas Drillers

February 3, 2011 - By CASEY JUNKINS Staff Writer

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Amid concerns about possible water and air pollution from Marcellus Shale activity, New York City environmental lawyer Julia LeMense may sue West Virginia's natural gas drillers.

However, Marcellus Shale Coalition President Kathryn Klaber - who maintains there is no evidence that drilling and hydraulic fracturing, or "fracking," harms the environment - said LeMense is only "interested in making a quick buck."

In representing her law firm, Weitz & Luxenberg P.C., LeMense hosted a public meeting regarding possible legal action against Marcellus Shale drillers Wednesday at John Marshall High School. LeMense told the 100 or so attendees she was not there to serve as their attorney, but only to provide information.

New York State Assembly Speaker Sheldon Silver is a partner in the law firm. According to the New York Post, Silver leads the fight to block fracking in New York, while other lawyers with the firm are "in other states trying to drum up multi-million dollar lawsuits against the practice."

"It's clear that these trial lawyers based in New York City and Beverly Hills are interested in making a quick buck," Klaber said regarding LeMense coming to West Virginia. "However, their claims about environmentally proven, job-creating shale gas production are fundamentally unsupported by years of science and facts, particularly as it relates to hydraulic fracturing."

"This technology's been safely used to stimulate more than 1.1 million wells since 1949 and has never impacted groundwater ... ," Klaber added.

However, Marshall County resident Jeremiah Magers, who attended the Wednesday meeting, has said his water well became contaminated with methane - and that natural gas began bubbling in Fish Creek - shortly after Chesapeake Energy began fracking near his water well.

One of the slides LeMense presented to the crowd Wednesday featured this heading: "Water supplies can become contaminated with explosive levels of methane."

During the fracking process, drillers such as Chesapeake and others pump 5 million to 6 million gallons of water, sand and chemicals thousands of feet into the ground with a force as high as 10,000 pounds per square inch. After the rock is fractured, 15-40 percent of the fluid flushes back up through the well.

According to Chesapeake, its most common fracking solution contains 0.5 percent chemicals. These include substances found in antifreeze, swimming pool cleaner, deodorant and hair coloring.

However, LeMense said information about much of the material used in fracking is protected because it is proprietary.

"We know almost nothing about 43 percent of the chemicals used

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in fracking," she said.

In November, the U.S. Environmental Protection Agency issued four orders for compliance citing the driller for allegedly violating the Clean Water Act from January 2007 until November.

These federal orders are not the only citations against Chesapeake. A check of West Virginia Department of Environmental Protection records this weeks shows the firm still has five violations that "have not been closed or abated" in Wetzel and Marshall counties. The department also temporarily suspended AB Resources' work following the June 7 explosion at that company's drilling site on Beam's Lane near Moundsville. The DEP restored those rights once the violations were abated.

Following the meeting, LeMense said each individual affected by gas drilling is unique and must decide how to proceed in dealing with the gas companies.

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