

Fracking and the Environment

The topic of Fracking has regularly led news stories for the past 3-4 years. Yet, the process of fracking has existed for more than 60 years. Its recent notoriety has derived from the prospect that current technological advancements will enable oil and gas producers to access gases formerly trapped deep within the earth, and ultimately obtain a cleaner energy resource with less refining required for production. Our Fracking and the Environment presentation is designed to inform as well as promote interactive discussion.

Topics Covered:

What Is Fracking?

The presentation begins with an introductory overview of the fracturing process, or “Fracking,” from initial well drilling to deep-earth horizontal drilling (a hallmark of the fracking process) to hydraulic fracturing and recovery of the gas/mineral target.

Related Costs and Causes of Action

We examine the causes of action being pled against fracking, and review the costs and concerns on both sides of the fracking controversy, such as water contamination and other environmental pollution, noise and nuisance issues, and trespass. Earthquakes have been a chief topic related to fracking in several parts of the U.S. We review historical earthquake reports from the U.S. Geological Survey compared with current studies, including the recent April, 2014 regulatory decision in Ohio that determined that a link exists between earthquakes and fracking work performed near the Youngstown, Ohio region.

Texas - Current Case Law

The Texas portion of the presentation provides a review of recent cases related to fracking and issues of environmental contamination, trespass, nuisance, noise, personal injury (headaches, respiratory problems, potential cancer clusters), fraud, and strict liability. An accompanying overview of federal and Texas Water Law outlines key considerations connected to the fracking process and water usage rights, and propriety related to the use of water for oil and gas extraction and production.

Hermes Sargent Bates, LLP

Hermes Sargent Bates, LLP is a full-service litigation firm with a thriving presence in Texas. The firm provides legal services to local, national, and international companies. Our litigation experience related to the energy industry includes:

- ♦ toxic gas release on off-shore drilling platform and related personal injury claims;
- ♦ alleged defective design of well site gas refinery facility resulting in explosion and significant property and production losses;
- ♦ refinery maintenance procedures allegedly performed improperly resulting in high-temperature gas release and personal injuries;
- ♦ supply of alleged defective drill pipe which failed during horizontal fracking process causing damage to particular well and surrounding formation;
- ♦ alleged defective pipe use in petroleum products transmission line resulting in rupture and contamination to surface water (used as municipal water supply) resulting in tens of millions of dollars of remediation costs;
- ♦ alleged negligence and gross negligence arising from maintenance practice of replacing bolts securing drilling tongs with sub-grade bolts resulting in death of rig worker when tongs broke loose and struck individual;
- ♦ maintenance practices related to treatment of water from pipeline operation alleged to be negligent resulting in personal injuries;
- ♦ alleged negligence analysis provided by professional consulted on well site resulting in failed well and damage to formation; and,
- ♦ drilling practices on horizontal well alleged to be negligent resulting in personal injuries.

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