

# Imperial Oil wants court to dismiss lawsuit over pollution claim

BY MARTY KLINKENBERG, EDMONTON JOURNAL APRIL 21, 2014

EDMONTON - Imperial Oil is asking the Court of Queen's Bench to dismiss a lawsuit in which it is accused of damaging a century-old grain farm south of Edmonton.

The company, which has operated leases on the Bilozer family farm since 1952, says the claim for unspecified damages is without merit and was filed beyond the statute of limitations.

Taking up a battle his late mother began in 1992, Rick Bilozer sued the company in January of 2014 and demanded it remediate a parcel of land he claims has been set afire, tainted with spilled oil, and then used as a dump site for soiled materials.

In a statement of defence filed March 28, Imperial denies it started a fire in 1970 while clearing land — but argues that, if one occurred, it either started naturally or was caused by someone else. The company also denies it spilled oil in 1982 or buried waste materials after that, but says if it did, no damage occurred or could have been foreseen.

The company denies entering into contracts to perform reclamation with Natala Bilozer or her late husband, but argues if there were any agreements, they would have expired with deaths. Rick Bilozer lacks standing to bring an action on any contract between Imperial and his parents, making such an agreement unenforceable, the statement says.

Although it has been directed three times to reclaim the damage land by Alberta Environment, the company denies ever attempting to negotiate a remediation agreement with Bilozer, who took over ownership of the acreage off Highway 60 between Devon and Calmar when his mother died.

Imperial has hired a handful of consulting firms to evaluate the property, causing 101 bore holes to be drilled, 31 test pits to be excavated and 18 monitoring wells to be established to collect water and soil samples. Bilozer said it is only through reports filed by those firms that he learned that building materials, newspaper and plastic bags were used to fill a sinkhole that formed on the property after a fire spread and burned peat beneath the ground.

Bilozer recalled Monday that, when the fire started, his father asked him to accompany him as he investigated the situation in his 1963 Chevy truck. Upon arriving at the scene, Bilozer said he saw two Esso trucks at the site, with workers tossing brush into a fire.

After that, he said, "Even in winter when it was covered with snow, you could see steam rising from the fires that were burning underground."

The next step in the process is for the sides to exchange all relevant documents, and then for a formal questioning to be scheduled in front of a court reporter.