

Oil regulators release draft fracking rules

By John Cox, staff writer

Bakersfield Californian, Wed., Dec. 19, 2012

Draft "fracking" regulations released Tuesday would force California oil and gas producers to do additional well testing and disclose what is now private information but not apply for permission to perform the controversial practice also known as hydraulic fracturing.

The state Department of Conservation's long-awaited proposal drew tentative support from an industry resigned to the likelihood of new regulation. Meanwhile, environmental groups and a key lawmaker voiced concerns that the draft rules don't do enough to protect California's air and groundwater.

"While these regulations are a step in the right direction, we see them as the first step," said state Sen. Fran Pavley, D-Agoura Hills, whose bill to require oil producers to notify neighbors of upcoming frack jobs failed in the Legislature last session.

Fracking injects sand, large amounts of water and small concentrations of sometimes toxic chemicals underground at high pressure to break up rock formations and release oil and natural gas. The process is credited with opening access to vast petroleum reserves, though critics say it threatens groundwater and air quality and may induce seismic activity.

Tuesday's release of draft rules advances a public process that began last summer with a series of state-sponsored fracking workshops. A formal rulemaking process is scheduled to begin in February, with final regulations expected to emerge late next year.

The draft rules are, to a large degree, a response to criticism from state lawmakers and environmentalists that the state Division of Oil, Gas and Geothermal Resources, part of the Department of Conservation, has looked the other way as the oil industry ramps up fracking in Kern County and other areas.

As DOGGR chief Tim Kustic has hinted for months at industry meetings, the division's approach centers on what it calls "zonal isolation" -- the need to contain fracking fluids to the appropriate geologic zones so that dangerous chemicals do not "migrate" to reach underground drinking water.

The draft rules call for extensive pre-fracking pressure tests of wells' cement bonds as well as a thorough examination of seismic faults and oil wells across an area twice as large as any underground fracture is likely to extend.

Kustic said in a news conference Tuesday that DOGGR reviewed other states' fracking rules, and that as far as he could tell, the pre-frack testing he proposed would be unique in the country.

The proposed regulations also spell out the need for monitoring well pressure during fracking and then continuing to watch pressure gauge readings for five years afterward to make sure the technique has not damaged the well.

Industry representatives said cost remains a primary concern with any new regulations, even as they declined to estimate how much oil producers' costs would rise under Tuesday's proposal.

Les Clark, executive vice president of Bakersfield's Independent Oil Producers Agency, said well testing is "expensive to do," but that he expects upcoming discussions with state regulators to result in a set of "common sense" rules.

Public disclosure

Probably the most controversial measures in Tuesday's proposal deals with public disclosure requirements.

Oil companies planning to frack a well in the state would need to give DOGGR various specifics, including the time, location and depth of the frack, at least 10 days beforehand. The division would then have to post that information publicly within seven days before the frack takes place.

The oil and gas industry has previously opposed such prenotification, saying it would needlessly worry neighbors who have no power to appeal a company's decision to frack.

While details remain to be worked out, "we don't have a problem" with the proposal's prenotification requirements, said Rock Zierman, chief executive of the California Independent Petroleum Association.

In a written statement, Sen. Pavley criticized the prenotification proposal as inadequate. She did not elaborate but did add that "public disclosure and public input are key to this process."

Still more contentious was the idea of exempting "trade secrets" from the list of frack fluid ingredients that the draft rules say should be published online at fracfocus.org or some other public website.

DOGGR proposes to allow oil companies to identify certain ingredients by only the chemical family or a similarly vague description. But environmentalists said the industry should have to state exactly what it wants to inject underground, no exceptions.

"There should be some way to disclose what those (chemicals) are," said George Torgun, staff attorney at Earthjustice, a San Francisco nonprofit.

Similar questions about how to deal with trade secrets tripped up a bill proposed over the last legislative session by Assemblyman Bob Wieckowski, D-Fremont. He could not be reached for comment Tuesday.

DOGGR's draft rules do not address other controversial aspects of fracking, such as impacts on air quality and related seismic activity.

Materials published by the agency Tuesday say various air quality control districts are considering regulations to address emissions associated with fracking. They also say DOGGR is consulting with staff from the state Water Resources Control Board to determine whether new water quality monitoring might be required because of fracking.

DOGGR's also stated that fracking-induced seismic activity is not a matter for regulation by the state because studies have linked such activity with disposal of fracking fluids, not fracking itself. The agency pointed out that such disposal is regulated by the federal government.

Public workshops to refine Tuesday's draft regulations are still to be scheduled, though public comments can be emailed at any time to comments@conservation.ca.gov.

California releases draft fracking regulations

By Jason Dearen - Associated Press

In the Merced Sun-Star, Modesto Bee and other papers, Wednesday, Dec. 19, 2012

SAN FRANCISCO -- As oil companies move to access one of the largest shale oil deposits in the country, California regulators on Tuesday released draft rules that would more tightly govern the oil recovery method known as hydraulic fracturing, or "fracking."

The proposed rules were posted online by state oil regulators and marked California's first foray into regulating the contentious practice of fracking, which involves extracting hard-to-reach gas and oil by pummeling rocks deep underground with high-pressure water, sand and chemicals.

California currently oversees oil well construction generally but had not previously required disclosure of fracking.

Under the draft regulations, operators would usually have to name the chemicals they use and test wells to ensure the drilling process could be withstood without contaminating groundwater.

Fracking has been quietly going on for decades in several counties, including Los Angeles, Kern, Monterey and Sacramento. Other states use the technique to recover natural gas.

Environmentalists worry that fracking can contaminate groundwater and pollute the air. However, the industry has said the practice has been safely used for decades.

Jason Marshall, chief deputy director of the California's Department of Conservation, said decades of fracking in California have left no evidence that groundwater has been contaminated.

"I know the absence of evidence is not proof," Marshall said. "We pride ourselves on having very good well construction standards in place that are stronger than many other states."

[Fresno Bee Earth Log, Tuesday, Dec. 18, 2012:](#)

Healthy air may emerge from bureaucratic confusion

By Mark Grossi, staff writer

A new federal standard announced last week will force us to wipe out soot and other tiny debris in the air and save hundreds of lives by 2020 -- if we can just get through all the confusion.

What confusion? It might seem like we're already on track. On Thursday, the local air district will consider a new plan with a 2019 target to clean up these dangerous tiny specks.

But the San Joaquin Valley Air Pollution Control District is aiming the new cleanup plan at the old 2006 standard.

It will be tough to meet the old standard -- you probably won't be allowed to do much wood burning in your fireplace in about five years.

The Valley doesn't appear to have a chance at making the new standard, which lowers the threshold another 20%.

Environmentalists criticize the U.S. Environmental Protection Agency about the logjam of standards. The threshold adopted in 2006 should have been stronger to begin with, they say. EPA could have avoided doubling down now if only it had followed the government's own science-based recommendations six years ago.

But there's always something else at play here. As medical research advances and it becomes obvious that people are not protected, we get a new drama in the Valley and the South Coast Air Basin every few years when the standards change.

There's no place in the United States like these two places.

South Coast in Southern California has 16 million people, daily traffic jams and warm weather that helps form air pollution.

The Valley is surrounded by mountains and faces even bigger weather problems. Hot summers bake pollution into ozone. Foggy winters allow soot and other particles to hang in the air.

So there's no way to avoid drama in South Coast or here. But it seems worth the trouble if only because the air regularly becomes a public health crisis here. The EPA was not exaggerating when it reported that lives would be saved with a particle-pollution standard that cuts the soot and other debris.

Who are the people who die prematurely? Think about people you know who have heart, lung or other severe health problems. It could be your grandfather, your aunt or even you.

A 2008 study by California State University at Fullerton showed that 800 people die prematurely in the Valley each year. Most of those deaths are blamed on microscopic soot, chemicals and other particles -- the same kind of pollution we're talking about now.

Economist Jane V. Hall, one of the Cal State Fullerton authors of the study, placed a value of more than \$5 billion on the lives of those who die each year from dirty air. It's not actual money. It's a value set using federal government guidelines on risk and human life.

This whole air-cleaning exercise under federal law is messy, expensive and difficult for places like the Valley and South Coast.

But the Valley air district plan under consideration Thursday will make a difference for public health by 2019. The new standard, which seems far out of reach right now, will help even more.