March 26, 2014

Via Electronic Submission

Hon. Governor Edmund G. Brown

c/o State Capitol, Suite 1173
Sacramento, CA 95814

Re: Unreported and Dangerous Well Stimulation in California

Dear Governor Brown:

I am writing on behalf of the Center for Biological Diversity to bring your attention to what appears to be widespread well stimulation by the oil and gas industry that is not being reported to the state agency tasked with overseeing these dangerous practices. Our research shows more than 50 acidizing well stimulations have occurred in Los Angeles and Orange Counties, and many more instances likely occurred in other areas of the state. Yet the Department of Conservation, Division of Oil, Gas, and Geothermal Resources has not posted a single notice of acidizing in Los Angeles or Orange County since it began requiring reporting of well stimulation at the start of 2014. The failure to report these risky well stimulation events raises troubling questions about the efficacy of DOGGR’s newly enacted oversight and reporting requirements. We strongly urge you to investigate the matter and correct for the lack of enforcement.

Required Reporting under Senate Bill 4

Last year, you signed into law Senate Bill 4, which requires oil and gas operators to report each instance of well stimulation (including hydraulic fracturing and acidizing) to DOGGR. Starting January 1, 2014, operators are required to do so by completing and submitting an Interim Well Stimulation Treatment Notice at least 10 days in advance of commencing a well stimulation treatment.1 An operator may not commence a well stimulation treatment unless DOGGR has reviewed the Interim Well Stimulation Treatment Notice form and approved the form as complete.

In turn, DOGGR has been posting these notices to its publicly accessible website. In January of 2014, DOGGR posted 33 notices; in February, DOGGR posted 0 notices; and so far in March, 17 notices.2 All 50 notices filed so far in 2014 are for well stimulations occurring in Kern County; the website does not show notices of a well stimulation for any other county during that time.3

South Coast Air Quality Management District Reports Show Acidizing in L.A. and Orange Counties

Since June 2013, the South Coast Air Quality Management District (SCAQMD) has required operators in Los Angeles and Orange Counties to report all instances of hydraulic fracturing and acidizing under

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1 SB 4 Interim Well Stimulation Treatment Regulations 14 CCR § 1783(a).
2 Through March 24, 2014.
3 In addition, there are 216 notices that were filed in December 2013, prior to when reporting became a requirement under SB 4. All but three of those notices were for well stimulation in Kern County. The remaining three notices were for Ventura County.
SCAQMD Rule 1148.2. These “Event Reports” must be submitted no more than 10 days and no less than 24 hours prior to the start of a well stimulation event.⁴

A review of submissions to SCAQMD shows that operators have submitted 57 separate Event Reports for acidizing during the period of January 1, 2014 to March 24, 2014.⁵ Despite the requirement that each of these events be disclosed to DOGGR and posted to DOGGR’s website, not a single one of the 57 acidizing events appears on DOGGR’s website.

In addition, during the same period, SCAQMD records show that operators submitted 36 Event Reports to disclose the occurrence of gravel packing, another type of highly dangerous well stimulation. Although Senate Bill 4 requires DOGGR to regulate “any treatment of a well designed to enhance oil and gas production recovery,”⁶ DOGGR has not posted a single one of the 36 gravel packing events to its website.

Implications of Missing Information

The discrepancy between the information provided by SCAQMD and the lack of records on DOGGR’s website is evidence of a systemic problem with DOGGR’s reporting regime that must be rectified immediately. If DOGGR is failing to disclose documented acidizing and gravel packing events in Los Angeles and Orange Counties, it is likely that DOGGR is also failing to report on well stimulation events in other parts of the state. We can be certain that some information is missing from DOGGR’s website. But we cannot be sure how many instances of well stimulation are unreported. While some instances of acidizing have been reported in Kern County, this may not represent the true extent of acidizing or other well stimulation activity in Kern County.

It may be the case that operators are not reporting the full extent of activities to DOGGR. Or it may be that DOGGR is only posting a subset of reports that are submitted. In either case, DOGGR must remedy the failure to comply with the state’s reporting requirements as soon as possible to give Californians complete and accurate information about the nature and extent of harmful activity taking place in their communities.

Request for Action

We urge you to investigate the reasons for this failure to disclose well stimulation activity. If it the case that operators are not submitting notices, you should task DOGGR with using its regulatory authority to strictly enforce reporting requirements, and halt any and all activity occurring in violation of these requirements. If DOGGR is withholding a subset of notices that have been submitted, DOGGR should immediately post those notices to its website and explain why it had withheld certain notices from public access.

Incomplete reporting to DOGGR’s website constitutes a failure to implement the laws and regulations that bind DOGGR. It also undermines the objectives of public trust, transparency, and accountability. We strongly urge you to take swift action to uphold those tenets and to offer Californians a complete

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⁴ SCAQMD Rule 1148.2(d)(1).
⁵ Fifty reported activity in Los Angeles County; the remaining 7 reports were for activity in Orange County.
understanding of the risks they face through hydraulic fracturing, acidizing, gravel packing, and other forms of dangerous well stimulation.

The numerous problems with reporting requirements underscore the difficulty and ineffectiveness of attempting to regulate hydraulic fracturing and other types of dangerous well stimulation. Even with reporting and disclosure rules, these regulations fall far short of protecting our air, water, health, and climate. In contrast to our state, New York has instituted a prohibition on hydraulic fracturing while it studies the true extent and severity of its potential to harm public health and safety and the environment. Rather than allowing hydraulic fracturing and other types of dangerous well stimulation to occur, we urge you to follow New York's example and institute an immediate prohibition on such practices.

Thank you for your attention to these matters.

Respectfully submitted,

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