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## California releases first-ever fracking regulations

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By Paul Rogers  
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Wading into one of the hottest environmental debates in the nation, California on Tuesday released its first-ever regulations for hydraulic fracturing, or “fracking,” the increasingly common -- and controversial -- practice of freeing oil and gas from rock formations by injecting chemicals under high pressure into the ground.

The rules proposed by the administration of Gov. Jerry Brown would require energy companies to disclose their fracking plans to the state 10 days before starting operations. The companies also would be required to post to an online database with the locations of their work and the chemicals used, and they would face new rules for testing and monitoring their wells.

“There is a high degree of public interest in this, a high degree of legislative interest, and interest in the Brown Administration in having rules that are clear,” said Jason Marshall, chief deputy director of the California Department of Conservation.

Environmental groups immediately blasted the rules as weak and riddled with loopholes.



Elizabeth Allen, of Boulder, wears a “No Friggin’ Frackin’” sign while waiting for the meeting to begin, Thursday, Dec. 13, 2012, at the Boulder County Courthouse in Boulder, Colo. (Jeremy Papasso/AP Photo)

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“These draft regulations would keep California’s fracking shrouded in secrecy and do little to contain the many threats posed by fracking,” said Kassie Siegel of the Center for Biological Diversity. “The rules are going to have to be completely rewritten if the goal is to provide real protection for our air, water and communities.”

In recent years, fracking has made headlines in New York, Pennsylvania, Texas and other states, as energy companies have used new technologies to produce huge amounts of natural gas, creating jobs and lowering natural gas prices considerably. The practice even has an environmental benefit: By making natural gas cheaper, it has led utilities to use less coal, reducing global warming and soot emissions.

But critics have raised concerns about fracking chemicals polluting groundwater, along with widespread disruption to rural property owners from huge rigs and loud industrial equipment. A documentary film, “Gasland,” further increased concerns when it showed tap water so polluted near one fracking area that it caught fire.

The oil industry on Tuesday said the California draft rules were a good start.

“We certainly appreciate the effort that the Department of Conservation is making on these,” said Tupper Hull, a spokesman for the Western States Petroleum Association. “We are encouraged that they continue to recognize the important role that hydraulic fracturing can play in the state’s economy.”

### **Monterey Shale**

Companies in California have used fracking at least since the 1960s. But most of it has been done to produce oil, and largely in Kern County and other Southern California areas. But now the oil industry is looking at a dramatic expansion into the Monterey Shale, a huge geologic formation that extends through much of the Central Valley into San Benito and Monterey counties.

The formation is believed to hold as much as 15.5 billion barrels of recoverable oil, which would make it the nation’s largest shale oil formation. Last week, the federal Bureau of Land Management leased 18,000 acres in southern Monterey County for fracking.

Fearing an oil rush that could increase pollution, several lawmakers in Sacramento this year unsuccessfully tried to limit the practice. One bill, by state Sen. Fran Pavley, D-Agoura Hills, for example, would have required 30 days notice to any property owner within 300 feet of a fracking operation. Pavley also wanted the energy companies to test groundwater before and after fracking to ensure that the thousands of gallons of chemicals injected into the ground do not pollute potential drinking water sources.

The state Senate rejected the measure amid opposition from the oil industry and Republicans, who said it would cost jobs.

On Tuesday, Pavley said that some parts of the draft rules are promising, but the notification and disclosure requirements fall short.

“There is still much work to be done,” she said.

Brown administration officials contended that California has some of the strictest rules about well safety in the nation and that fracking has not caused environmental damage in the Golden State.

“There is no evidence of harm from fracking in groundwater in California at this point in time. And it has been going on for many years,” said Tim Kustic, state oil and gas supervisor with the California Division of Oil, Gas, and Geothermal Resources.

### **‘Discussion draft’**

The draft rules released Tuesday came after the agency held public discussions around the state. The “discussion draft” begins a process that will play out next year with more public hearings and could take a year to finalize.

Although state regulators said the rules would protect public safety, they raised many new questions. Among them:

The rules require companies to give 10 days notice to the department, but they require only three days public notice of the fracking site before work begins and do not require notification of adjacent property owners.

The rules do not include an appeals process for property owners who oppose the fracking work.

The rules require for the first time that energy companies disclose the chemicals they are injecting into the ground. But the database for that information is not be subject to public records laws.

Instead, rules would require companies to post the information to a privately owned and difficult-to-navigate Web database called FracFocus, which critics link to the oil and gas industry.

Companies could claim “trade secrets” exemptions to withhold the names of the chemicals they inject.