

# The Washington Times

Tuesday, October 16, 2012

## Suit says California hasn't looked at fracking's risks

By Ben Wolfgang

Cites law signed by Reagan

The heated fight over fracking has reached California. A coalition of environmental advocacy groups on Tuesday filed a lawsuit charging that the state's Department of Conservation "has failed to consider or evaluate the risks of fracking" and therefore is in violation of state law, the latest state-level clash over the booming new technique for obtaining oil and natural gas.

"Right now, the people of California don't know where or when the drillers are fracking, what chemicals they are using, what pollutants they're releasing into the air and water and what other risks they are taking," said George Torgun, an attorney with the non-profit environmental law firm Earthjustice, which filed the suit on behalf of the Sierra Club, the Center for Biological Diversity and other groups.

The highly controversial practice of fracking, most frequently used in California to extract oil, has become a lightning rod in states across the country. It's helped revitalize depressed local economies in Pennsylvania, North Dakota and elsewhere and has dramatically improved the hopes of North American energy independence by unlocking huge quantities of natural



A crew works on a gas drilling rig at a well site for shale based natural gas in Zelienople, Pa. (AP Photo/Keith Srakocic)

gas and other fuels inaccessible with conventional drilling techniques.

But it's also generated determined resistance among environmentalists and other critics, including many in state legislatures across the nation. California drillers say there is ample regulation already on the books to ensure the safety of state residents.

California now joins New York, where Gov. Andrew Cuomo continues to delay a decision whether to allow fracking in parts of the state near the Pennsylvania border, as a central battleground in the debate

The environmentalists' lawsuit asks a state court to declare the Department of Conservation's Division of Oil, Gas and Geothermal Resources (DOGGR) in violation of the California Environmental Quality Act, signed into law by then-Gov. Ronald Reagan. The suit contends that by failing to "consider, evaluate and mitigate the impacts of fracking," the agency hasn't adhered to the decades-old act.

"The state is risking California's public health and environment by refusing to apply [the law] to fracking," said Jennifer Krill, executive director of Earthworks,

another party to Tuesday's filing. "Without it, the public is in the dark about fracking's impacts on our health and environment. It's time for the oil and gas industry, and state regulators, to stop denying fracking's negative impacts and start working to prevent them."

Prior to Tuesday suit, the agency had already begun to revise its drilling protocol to better address fracking. Its website states that "California's regulations do not require notification to the division when hydraulic fracturing occurs," and acknowledges that "there is a gap between the requirements placed on oil and gas operators to safely construct and maintain their wells, and the information they provide" to state regulators.

Regulatory changes now in the works, the agency says, will address that issue. DOGGR also says there is "very little, if any," fracking in California of the type seen in Pennsylvania and elsewhere.

Industry groups argue that, despite the state's regulatory gap, oil and natural gas wells are still subject to strict oversight by state officials.

"Every well in California is a highly regulated activity. There are a whole host of regulations," said Rock Zierman, head of the California Independent Petroleum Association. "Every well, whether it is [fracked] or not, has to go through the same rigorous environmental review."

States such as Pennsylvania, Ohio and others have adopted detailed fracking regulations, and most drilling companies now disclose the chemicals used during the process.