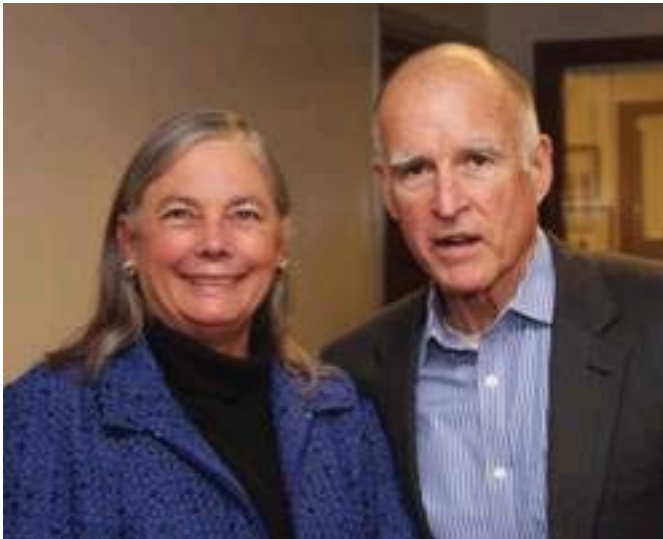




We don't need no stinking permits: California frackers get their way

By John Upton
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Senator Fran Pavley on FacebookCalif. Sen. Fran Pavley lost her spine. Will Gov. Jerry Brown protect his state?

Until last week, the days of unbridled fracking in California appeared to be drawing to a close. But then legislation that would require drillers to obtain permits before work could begin was abruptly watered down, potentially handing the oil and gas industry a significant lobbying victory.

Senate Bill 4 passed the state senate last week following its approval by the assembly – but not before its author, a Democrat from Los Angeles, watered down her own legislation. The bill will now head back to the lower house for another vote there.

Environmentalists who had cautiously supported the bill, which many described as flawed, have turned into vociferous opponents. The East Bay Express explains: Last week, after intense backroom lobbying, the powerful oil and gas industry convinced state Senator Fran Pavley of Los Angeles, the sponsor of SB 4, to further weaken her legislation and include poison-pill amendments. If enacted, it promises to do more harm than good.

Under the eleventh-hour changes, SB 4 would require state regulators to green-light all fracking requests by oil and gas companies in California until at least July 1, 2015, when the state is scheduled to complete an environmental review of fracking in California. You read that right. Before the environmental review is complete, the bill says that state regulators “shall” approve all requests to shoot toxic chemicals and water into the earth to release otherwise trapped fossil fuels.

In exchange, oil and gas companies would have to disclose to state regulators what chemicals they’re using in hydraulic fracturing. And while there currently is no specific requirement for such disclosure in California, the trade-off is not worth it for the state. After all, SB 4, as now written, could block state regulators from trying

to halt fracking during the next two years, even after they learn what chemicals are being shot into the ground.

The brouhaha that preceded the changes centered around the effects of the California Environmental Quality Act, which is a rigid and perennially controversial law that was signed in 1970 — by Gov. Ronald Reagan, of all people. If drillers are required to obtain permits before they frack (or before they inject acid into the ground to loosen fossil fuel reserves — as horrified Californian lawmakers recently discovered has become a common practice), then CEQA would require them to complete an environmental impact report. And that would require that they propose measures to offset the environmental damage they would cause.

You can imagine how unpopular that idea has been with the gas and oil industry. After their lobbyists' intervention, the amended legislation would now provide ample ways for drillers to weasel out of normal CEQA requirements. From a press release issued by the Center for Biological Diversity, CREDO, Food & Water Watch, and Friends of the Earth:

New language added to the bill specifies that “no additional review or mitigation shall be required” if the supervisor of the Division of Oil, Gas and Geothermal Resources “determines” that the proposed fracking activities have met the requirements of the California Environmental Quality Act. This provision could be used by DOGGR to bypass CEQA’s bedrock

environmental review and mitigation requirements. This language could also prevent air and water boards, local land use jurisdictions and other agencies from carrying out their own CEQA reviews of fracking.

CEQA was defended against ruthless attacks for decades. But then Gov. Jerry Brown (D) came back into power in 2011. Within his first year in office, Brown signed legislation that exempted a football stadium planned in Los Angeles from normal CEQA rules. Last year he said, “I have never seen a CEQA exemption I don’t like.” And this year he led a hitherto failed effort to water down the historic law (although some proposed CEQA reforms are supported by environmentalists).

Brown will presumably have the final say on whether SB 4 becomes law. Time will tell whether he favors the frackers or the environment.