

MONTEREY COUNTY WEEKLY

Under Pressure

Regulators propose fracking rules that lawmakers, critics say aren't tough enough.

By Sara Rubin
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The ancient layers of rock below Central and Southern California that might contain up to 15 billion barrels of oil have little resemblance to the Monterey Bay coastline, with its barking sea lions and somersaulting sea otters.

But oil-industry reps curse a 2011 federal report that used the term Monterey Shale instead of the industry vernacular, Antelope Shale.

“It would be much easier if that formation had been called something other than Monterey,” Western States Petroleum Association (WSPA) spokesman Tupper Hull says. “If the image was Kern County’s oil-producing areas, it might’ve been different.”

As it is, the shale formation, and the probable tactic needed to extract reserves – hydraulic fracturing, or fracking – have become hot issues for the public and California lawmakers.



Under Ground: Industry groups approve of proposed regulations that would keep the chemical makeup of fracking fluids, considered “trade secrets,” from public disclosure in California. Photo by Nic Coury.

The California Department of Conservation’s Division of Oil, Gas, and Geothermal Resources (DOGGR), which regulates the state’s oil and gas production, now proposes new rules to regulate fracking as a practice distinct from traditional drilling.

Fracking operators inject pressurized fluid into rock formations, creating narrow fissures that allow oil or natural gas embedded in the rock to flow.

DOGGR officials are scheduled to visit Monterey April 30 for a public workshop on the draft rules, which the department hopes to finalize and implement by mid-2014.

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The federal Bureau of Land Management, which leases out federally owned underground mineral rights in South County, is preparing by year’s end to publish its own draft rules on fracking.

But BLM may consider the potential effects of fracking more rigorously than it used to. A federal judge ruled April 14 that BLM violated environmental laws in leasing out rights to Monterey County oil in 2011 without examining the extraction method.

As regulatory agencies plod along, some lawmakers and environmentalists say the pace isn’t fast enough, and the drafts rules aren’t tough enough.

Assemblyman Mark Stone, D-Scotts Valley, is the author of one of about a dozen pending fracking-related bills. He says he’d support a temporary moratorium on fracking (as proposed by other lawmakers), while his AB 669 would give the Regional Water Quality Control Board and DOGGR joint oversight in identifying the source and quantity of water to be used, and the wastewater disposal method.

What AB 669 wouldn’t do is identify exactly what’s in the fluid fracking operators inject. While it’s mostly water, it contains a blend of up to a dozen chemicals.

Both DOGGR’s and BLM’s drafts would allow oil companies to claim trade-secret protections on the fluid composition and withhold that information from regulators.

“The regulations overall are extraordinarily weak,” says Kassie Siegel, attorney for the Center for Biological Diversity. “I think the [disclosure rules] they’re proposing are illegal.”

WSPA membership includes about 80 percent of California oil operators, and they agreed last year to begin voluntarily disclosing which wells are fracked on www.FracFocus.org, a site managed by industry groups. (There are no reported wells in Monterey County on the site.)

Siegel says the way to get tougher public disclosure rules is to go around DOGGR and through the Legislature.

“DOGGR hasn’t been seen as a regulator on behalf of the public, merely a regulator on behalf of the industry,” Stone says. “Part of overcoming that is, they have got to regulate.”