



Green group accuses Calif. of ‘blatant violations of fracking disclosure rules’

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California has repeatedly failed to disclose information on unconventional oil drilling as required by state law, an environmental group said yesterday in a letter to Gov. Jerry Brown (D).

The state’s Division of Oil, Gas and Geothermal Resources, known as DOGGR, hasn’t posted legally mandated reports for 47 fracking operations and notices for more than 100 uses of acidizing and gravel packing, the Center for Biological Diversity said.

“Because of more than 100 blatant violations of fracking disclosure rules, Californians have repeatedly been left uninformed about many dangerous well stimulation activities occurring in their communities,” Hollin Kretzmann, attorney for Center for Biological Diversity, told Brown in the letter.

Other reports “are missing critical information,” Kretzmann added, “including the chemical composition of fracking waste fluid. DOGGR has also failed to meet regulatory deadlines for posting critical information about fracking and other extreme well stimulation methods, posting dozens of records only after my organization brought attention to the unlawful delay.”

The information is required by S.B. 4, legislation from Sen. Fran Pavley (D) that passed last year. It directed DOGGR to write rules that included ordering oil and gas companies using unconventional drilling methods to submit details including chemicals used. They also must notify the state when beginning certain drilling operations.

DOGGR said it’s in the process of getting records posted.

“The department recognizes the importance of these new reporting requirements, and is working closely with the operators to ensure that they quickly and accurately comply with them,” said Jason Marshall, Department of Conservation chief deputy director, in a statement. “By and large, operators have reported information required and been responsive to department requests to correct errors, provide more specific information, or conduct further chemical testing to complete the required disclosure.”

However, Marshall added, some operations have not yet been disclosed on the department’s website.

“Some of the submittals received by the department have been inadequate, and the department has chosen to not post this incomplete information,” Marshall said. “These

submittals will be promptly posted when they are complete. The department is working to ensure submittals are both timely and complete, and would consider taking appropriate enforcement action if necessary.”

A spokesman for the Western States Petroleum Association (WSPA), the trade group for oil and gas companies operating in California, didn’t immediately respond to a question about Marshall’s statement that companies haven’t submitted full data.

Fracking moratorium bill moves forward
The Center for Biological Diversity is one of the green groups seeking a moratorium on fracking and other well stimulation treatments in the Golden State.

The letter to Brown came on the same day that the state Senate Environmental Quality Committee passed a bill that would impose a moratorium on those operations. The committee on a 5-2 party line vote approved S.B. 1132 from Sen. Holly Mitchell (D).

It would put in place a ban until a “comprehensive, independent and multi-agency review” on the impacts of well stimulation treatments is completed.

“People must come before profits,” said Mitchell, who represents part of Los Angeles area. “My community needs jobs, but those jobs need to be safe for workers and surrounding communities.”

The measure now goes to the Senate Appropriations Committee. It has cleared two of three committees that must consider it before it can come up for a vote on the Senate floor. A similar bill from Mitchell -- who was in the Assembly last year -- died in a vote on the Assembly floor.

Oil interests said they believe this one will meet a similar fate.

“The passage of S.B. 1132 from the Senate’s Environmental Quality Committee is neither a surprise nor an indication that this poorly written legislation is gaining support,” Catherine Reheis-Boyd, president of WSPA, said in a statement. “S.B. 1132 is all about political theatre, not responsible legislation or regulation.

“S.B. 1132 contradicts the regulatory authority in S.B. 4 and abandons the hard work that is currently being undertaken to implement the new regulations,” she added. “We remain confident that as the legislative session progresses, just as it did last year, the Legislature will ultimately reject S.B. 1132 in favor of the bipartisan regulations that it adopted just seven months ago.”

Environmental and health groups praised the committee passage.

“It’s becoming increasingly clear that the state needs a time out on fracking until we can be assured that our health and environment won’t become the victims, as has happened in other states around the country,” said Kathryn Phillips, director of Sierra Club California. “Today’s vote proves that the Legislature is listening to the public and the science.”

The Center for Biological Diversity in the letter to Brown said that the lack of disclosure by DOGGR “underscores the failure of current regulations and the need for strong action that will protect public health and safety and the environment.”

“Because Californians cannot rely on the oil industry to follow minimal regulations and cannot count on DOGGR to enforce such rules, we urge you to use your authority to immediately implement a prohibition on fracking, acidizing and other dangerous forms of well stimulation,” Kretzmann said in the letter.

A spokesman for Brown did not respond to requests for comment.

Other agency release frack data

The letter from CBD to Brown said that DOGGR was not posting reports on fracking that have turned up on another agency’s website.

The South Coast Air Quality Management District in Los Angeles collected data on 57 acidizing events in Orange and Los Angeles counties, Kretzmann said. CBD notified DOGGR about those last month, he said.

“DOGGR’s website, however, did not show a notice for even a single one of these events on its reporting website,” he said in the letter. “To date, not a single notice for the 57 acidizing events appears on the DOGGR website.”

“It is our understanding from conversations with the Natural Resources Agency that DOGGR has not received any notices from the operators of these well stimulation events,” Kretzmann said. “DOGGR has still been unable to provide an answer as to why this is the case. If there are 57 missing acidizing reports from just two counties, it is worrisome to think how many other acidizing events from across the state have gone unreported.”

DOGGR said that the Air Quality Management District’s reporting rules differ from the state’s.

“For instance, gravel packing is often conducted as a routine well maintenance activity and such activities are excluded from the reporting and other regulatory requirements of Senate Bill 4,” Marshall said. “Further, acid is commonly used in routine well maintenance activities, and these too are not required to be reported under Senate Bill 4.”

The Department of Conservation has reviewed differences in reporting to see if data given to the Air Quality Management District should have been reported to the state, Marshall said.

“The Department’s review indicated no basis for concern that reporting has been done incorrectly,” he said.