



Viewpoints: Fracking disclosure law a complete bust

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What if California's Legislature passed a law that state officials simply didn't bother to enforce?

One year ago, Gov. Jerry Brown signed Senate Bill 4, which aims to regulate hydraulic fracturing. Fracking is a controversial practice that blasts huge amounts of water mixed with chemicals into the ground to crack rocks and release oil and gas.

By signing SB 4 last September, Brown hoped to calm growing alarm sparked by revelations that oil companies had fracked wells in at least 10 California counties – as well as hundreds of offshore wells near Santa Barbara and Los Angeles – without oversight. The watered-down version of the bill passed by the Legislature wasn't backed by a single conservation organization. But supporters argued it would at least reveal when and where oil companies were fracking – and allow Californians to track how much water and what toxic chemicals were being used.

That turns out to be dead wrong. Since SB 4 took effect in January, the state's Division of Oil, Gas and Geothermal Resources has been unable to meet the basic reporting requirements of the industry-friendly regulations.

In April, my organization urged Brown to investigate more than 100 violations of the disclosure rules for fracking and other dangerous oil produc-



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tion methods. By analyzing records from the state, the oil industry and South Coast air quality regulators, we determined that at least 47 fracking jobs in Southern California did not have a well stimulation report on the state oil division's website, despite a requirement that such documents be posted 60 days after the fracking.

Dozens of other reports were posted late – and only after we informed state officials of the unlawful delay. Many fracking reports were missing critical

information, including the chemical composition of waste fluid and where this fluid was disposed.

Neither Brown nor the oil division responded to our letter. But state officials told reporters the shortcomings resulted from the rush to implement a new system and they just needed more time to get the kinks out.

Yet today, some four months after we alerted the state, the problem has actually gotten worse.

Legally mandated reports for at least 76 documented fracking jobs are missing from the online reporting system. State regulators have posted reports from only a single company out of at least five that have fracked wells. Even those reports that are posted to the website fail to provide critical information required by law. More than half, for example, are missing required chemical analyses of fluid that comes out of the well after fracking.

The new rules also require oil companies to report acidizing, which uses high quantities of hydrochloric and hydrofluoric acids to dissolve oil-bearing formations underground. Yet we've documented six acid jobs in Los Angeles and Orange counties without the required notice. Some of these acid jobs, which can cause air pollution, were done just a few hundred feet from people's homes.

These are just the reporting failures we've found by digging through publicly available documents. It's impossible to say how many other wells have been fracked or acidized without the required notification. The bottom line is that Californians still can't know where and when dangerous oil production techniques are used.

Fracking should be prohibited in the Golden State because this inherently dangerous process pollutes our air, harms our climate and threatens to contaminate our water. But the state's dismal failure to follow its own reporting regulations offers yet another reason why California should halt fracking immediately.