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NORTHERN CALIFORNIA'S LARGEST NEWSPAPER

Cracks seen in fracking-disclosure report process

By David R. Baker
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A recent California law that requires oil companies to disclose key details of fracking operations has so far failed to ensure that all the required information reaches the public.

Under the law, an oil company that fracks a well in California must tell state regulators within 60 days the amount of water used and the chemicals involved. Fracking involves pumping pressurized water, sand and chemicals underground to crack rocks, and many environmentalists fear it could taint precious water supplies.

Officials post the reports on a state website, accessible to anyone who wants to read them.

Some oil companies, however, have submitted incomplete reports to the



Photo: Brian Van Der Brug, McClatchy-Tribune News Service
A tractor shares farmland with an oil pump in a field on March 5, 2014, near Shafter, Calif. Though there could be 15 billion barrels of oil trapped in the Monterey Shale in Kern County, getting to them through California's complicated, earthquake-altered geology could be a prohibitively expensive undertaking. (Brian van der Brug/Los Angeles Times/MCT)

state. Others mistakenly assumed they could post the reports to a nationwide fracking information website until California regulators told them otherwise.

And the regulators — with the state's Division of Oil, Gas and Geothermal Resources (DOGGR) — don't have enough staff to process all the reports they've received. The reports cover fracking as well as other well-stimulation techniques, such as treating wells with acid.

“DOGGR would like to stress that this is not a matter of operators willfully violating the regulations by failing to report,” said Donald Drysdale, a spokesman for the division. “Rather, the absence of some disclosures reflects a short, sharp learning curve.”

As of Sunday, the division’s website contained just 245 post-stimulation disclosure reports. Another 53 reports were incomplete and had been withheld from the site by the division’s staff until the relevant companies submit the missing details. And 70 reports were awaiting initial review by the two division employees assigned to work on them.

Fracking opponents find the delay frustrating.

“After the frack, when the fluid comes back up, it’s important to know what’s in there,” said Hollin Kretzmann, a lawyer with the Center for Biological Diversity. “One of the key components of SB4 was to find out which chemicals are actually used and what the risks are. These reports are verification of what actually happened.”

While last year’s law — SB4, from state Sen. Fran Pavley — didn’t slap a moratorium on the technique as opponents had hoped, it did require the collection and disclosure of far more information about hydraulic fracturing and other forms of oil-well stimulation. Oil companies must now submit public notices before fracking a well, alert the well’s neighbors and offer to provide groundwater testing.

After a well has been fracked, the company must disclose when the work occurred, where the water came from, what chemicals were found in the water that flowed back up the well afterward and how that wastewater was handled.

Kretzmann’s environmental group first noticed the lag in reporting in the spring. DOGGR’s website, he said, lacked reports for many wells that showed up on FracFocus, a nationwide website where oil companies post information about wells they have fracked. The group alerted Gov. Jerry Brown’s office about the problem but received no response, Kretzmann said.

Drysdale, the division spokesman, said some companies at first believed they could comply with the new requirements by posting their reports on FracFocus, while others gave the state incomplete information. Kretzmann said some reports have been posted to the site without all the required data, including the chemical analysis of the flowback water.

The fracking regulation law authorized the division to add 65 staff members to handle the increased workload. But many of those positions have not yet been filled, Drysdale said. However, the division was able to ensure that all wells scheduled for fracking this year had been tested in advance to ensure their strength.

“We have robust rules in place today, and the difficulties with obtaining paper records do not reflect any practical challenges in implementing the regulations that actually

protect public health and safety and the environment,” he said.