



February 7, 2013

Chair Fran Pavley
Senate Natural Resources and Water Committee
State Capitol, Room 4035
Sacramento, CA 95814

Chair Michael J. Rubio
Senate Environmental Quality Committee
State Capitol, Room 2205
Sacramento, CA 95814

San Francisco
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www.cleanwateraction.org/ca

Re: February 12, 2013 joint hearing: “The Regulation of Hydraulic Fracturing in Oil and Gas Production in California”

Dear Chairs Pavley and Rubio and Committee Members

On behalf of Clean Water Action and its over 50,000 California members, I am submitting this review of the discussion draft regulations on hydraulic fracturing. We will be submitting a comprehensive letter of recommendations to the Department of Conservation with our allies shortly. For the purpose of this hearing, we have identified basic objections and suggested improvements, that we feel are necessary in order to fulfill the Department of Conservation’s obligation to prioritize protection of health and the environment:

- Well stimulation cannot be removed from the Underground Injection Control (UIC) program without prohibiting use of diesel or creating parallel rules for fracking with diesel or other hydrocarbons.
- Regulations must address other well stimulation and enhanced recovery techniques such as acid matrix and steam flooding if it is going to remove such operations from UIC. In general, we object to removing these processes and hydraulic fracturing from UIC.
- An affirmative review/approval process requiring a finding of no harm to public health and safety, environment or natural resources prior to hydraulic fracturing.
- At least 60 days prior advance notice to the public and actual written notice to nearby landowners and water users and providers.

- Disclosure and approval of the source and volume of water used in fracking and disposition, volume and composition of wastewater, including flowback and produced water associated with well stimulation operations.
- Groundwater testing must be performed prior to any well stimulation operations to establish baseline water quality and subsequent to all drilling and well stimulation.
- Air quality protections, including monitoring and limits on volatile organic compounds (VOC's), air toxics and greenhouse gas emissions.
- Green completions must be placed on all wells to prevent any flaring or venting of greenhouse gases.
- Limit on the use and injection of dangerous chemicals including a prohibition on the injection of diesel (including BTEX chemicals).
- Advance disclosure of chemicals, which will be brought to a frack site and or injected, rather than only reporting after a frack job.
- Monitoring to establish baseline ground movement and seismic activity and post fracturing seismic activity in the surrounding areas.
- Prohibition on fracking confidential wells.
- Elimination of trade secret protections to hide the identities and quantity of chemicals used in the fracking process.
- Prohibition on fracking in or around sensitive areas including, but not limited to, the Pacific Ocean (offshore oil platforms), coastal estuaries, near residential areas, sensitive receptors (hospitals, schools, daycare facilities, elderly housing and convalescent facilities), sensitive ecosystems and critical watersheds.

Clean Water Action recommends a collaborative approach to regulating hydraulic fracturing. Cooperation between agencies is required to effectively protect California's health, environment and natural resources. Prior to issuing any further draft regulations, we recommend that DOC receive full input from the following agencies: the State Water Resources Control Board, the Regional Water Quality Control Boards, the Air Resources Board, the Department of Toxic Substances Control, and the Department of Public Health.

Sincerely,



A handwritten signature in black ink that reads "A. Grinberg".

Andrew Grinberg
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