FACT SHEET: SB 4 (PAVLEY)

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THE SOLUTION

SB 4 (Pavley) provides a comprehensive statutory framework for fracking and acidization as part of a general well stimulation regulation in California. SB 4 provides the strongest well stimulation statutory framework in the country.

In its current form, the bill would:

- Require an independent scientific study of well stimulation – specifically including acidization and fracking – addressing occupational, public and environmental health and safety to be completed by January 1, 2015. The study will address induced seismicity associated with fracking, potential recycled water use, and research necessary to address concerns raised by well stimulation. Regular progress reports on the study will be provided to the Legislature (Public Resources Code (PRC) §3160a, and §3160e)
- Require the Division of Oil Gas and Geothermal Resources (DOGGR) to adopt well stimulation regulations by January 1, 2015 that include full disclosure of the composition and disposition of hydraulic fracturing and well stimulation fluids to DOGGR. (PRC §3160b)
- Require the independent study to determine appropriate threshold values for non-fracking acid treatments to ensure large-scale acidization, but not routine well cleanups, are targeted. (PRC §§3157, 3158, 3160a, b)
- Provide for the strongest public disclosure on fracking chemicals of any state in the nation. The name and quantity of each chemical additive used in the well stimulation treatment will be publicly-available. Only the recipe of chemical additives could be claimed as a trade secret, and the public would know the maximum concentration of any and all chemical constituents. (PRC §3160j)
- Require that DOGGR evaluate each trade secret claim using specified criteria (PRC §3160 j)
- Require that well operators obtain a permit for well stimulation. If applied for concurrently, the

well stimulation permit could be combined with that to drill a new well or rework an existing one. The well stimulation permit application would include estimates of the amount of water and the composition of the stimulation fluids planned to be used, a disposal plan, and a groundwater monitoring plan. (PRC §3160d)
- Provide transitional language while the regulations are being developed to ensure CEQA and mitigation still apply. DOGGR is required to do a statewide programmatic EIR on existing and new wells that individual projects could then tier off from for fracking and acid jobs. During this transition period, all of the reporting, disclosure, and notification requirements of SB 4 would apply. Kern County does its own EIR. (PRC §3161)
- Provide for regional groundwater monitoring in the vicinity of oil and gas fields following criteria developed by the state water board in consultation with experts. This would include requirements about emergency monitoring procedures in the event of a spill or well failure. No individual well-by-well monitoring is required if a regional plan is in place and no monitoring is required for aquifers co-located with oil reservoirs (“exempt aquifers”) (PRC §3160d and Water Code (WAT) §10783)
- Require at least 30 days advance notice to the public, neighbors (including tenants) and the regional water quality control board of the intent to frack or stimulate a well. The well owner would have to specifically notify DOGGR 72 hours ahead of the scheduled job in order for DOGGR to witness the procedure. (PRC §3160d)
- Allow the neighbors to have baseline and follow-up water quality testing on water wells and surface water by contractors meeting state water board standards. (PRC §3160d)
- Require that DOGGR develop and maintain its own web-site for fracking information by January 1, 2016, although Fracfocus.org could be used in the interim. (PRC §3160g)
• Provide a procedure for trade secret protections to be challenged and for health professionals, public health professionals and other regulators to obtain trade secret information, if needed. In the event of a challenge, the default is public disclosure (PRC §3160 j)

• Require that DOGGR enter into formal agreements with other regulators to ensure regulatory accountability and public transparency for all well stimulation operations, including disposal, by January 1, 2015. (PRC §3160c)

• Integrate public reporting and disclosure of fracking, acidization and other well stimulation treatments into existing regulatory processes. (PRC §3160c, §3213, §3215)

• Keep intact existing exploratory well confidentiality protections. (PRC §3160l)

• Require DOGGR to perform spot checks to ensure fracking, acidization and other well stimulation data provided are accurate. (PRC §3160m)

• Require DOGGR to annually report to the Legislature on fracking, acidization and other well stimulation treatments. Specific data reporting requirements will facilitate public dissemination of information and ease public concerns. (PRC §3215)

• Increase the civil fine provision to at least $10,000 and up to $25,000 per day per violation. (PRC §3236.5)

• Amend the existing oil and gas production fee that supports DOGGR to specifically include well stimulation treatment-related activities. (PRC §3401)

• Incorporate additional clarifying and technical provisions to promote regulatory accountability and public transparency.

ENDORSEMENTS

• Senator Dianne Feinstein

• Los Angeles Times
• Ventura County Star (twice)
• San Francisco Chronicle
• San Jose Mercury News (twice)
• Sacramento Bee
• Orange County Register
• Monterey Herald Tribune
• Bakersfield Californian
• Santa Cruz Sentinel
• Long Beach Press Telegram
• Sacramento News and Review

SUPPORT

Senator Dianne Feinstein
Alameda County Water District
American Lung Association in California
Association of California Water Agencies
Supervisor Steve Bennett, County of Ventura
Councilmember Brian Brennan, City of Ventura
California Association of Environmental Health Administrators
California Association of Professional Scientists
California Coastal Protection Network
California Interfaith Power and Light
California League of Conservation Voters
Councilmember Gil Cedillo, City of Los Angeles
Citizens for Responsible Oil & Gas
Clean Coalition
Clean Water Action
Community Alliance with Family Farmers
Earthworks
Environmental Defense Center
Environmental Working Group
Mayor Lou LaMonte, City of Malibu
The League of Women Voters
Los Angeles Community College District
Los Angeles County Board of Supervisors
City of Moorpark
Natural Resources Defense Council
The Nature Conservancy
Supervisor Linda Parks, County of Ventura
Paw PAC
Councilmember David Pollock, City of Moorpark
Councilmember Carmen Ramirez, City of Oxnard
San Francisco Baykeeper
San Fernando Valley Young Democrats
Santa Cruz County Board of Supervisors
South Coast Air Quality Management District
Ventura County Board of Supervisors
Citizens Coalition for a Safe Community (if amended)
Heal the Bay (if amended)
Los Angeles City Council (if amended)

OPPOSITION

American Chemistry Council
California Business Properties Association
California Chamber of Commerce
California Independent Petroleum Association
California Manufacturers and Technology Association
Department of Finance (May 7, 2013 version, letter not updated)
Food and Water Watch
Sierra Club California
Southwest California Legislative Council
Western States Petroleum Association
California Environmental Justice Alliance (unless amended)
Center for Biological Diversity (unless amended)
Physicians for Social Responsibility – Los Angeles (unless amended)