



Susan Wengraf
Councilmember District 6

CONSENT CALENDAR
January 22, 2013

To: Honorable Mayor and Members of the City Council
From: Councilmember Susan Wengraf
Subject: Support for a Moratorium on Fracking in California until Adequate Regulatory Safeguards are in Place

RECOMMENDATION

Adopt a Resolution calling for a moratorium on hydraulic fracturing in California until adequate regulatory safeguards are adopted and send to Governor Brown, Senator Loni Hancock, Assemblywoman Nancy Skinner and the California Department of Conservation.

FINANCIAL IMPLICATIONS

No General Funds impact

BACKGROUND

Hydraulic fracturing, commonly referred to as fracking, is a technique that is used to increase oil and gas production by injecting water and chemicals at high pressures into the ground to create fractures on subsurface rock in order to release petroleum or natural gas for extraction. As the use of fracking has increased in recent years, so have the concerns about its potential negative impacts. Fracking is a suspected source of polluted drinking water in Arkansas, Colorado, Pennsylvania, Texas, Virginia, West Virginia and Wyoming. It has also been linked to seismic activity caused by the injection of fluids and the re-injection of waste fluids into wells. Other concerns include potential impacts to air quality, generation of polluted wastewater and excessive water use required by the fracking process.

Fracking has been used in California for decades, primarily as an aid to oil extraction, however it is largely unregulated. The California Department of Conservation, Division of Oil, Gas and Geothermal Resources (DOGGR) regulates oil drilling in the state, but does not currently have authority over the practice of hydraulic fracturing. DOGGR has no records of the location or number of wells where fracking is taking place; does not maintain records of the types and amounts of chemicals being injected into the ground; the amount of water used or the disposition of the wastewater generated by the practice.

At the end of December, 2012, Governor Brown released draft regulations that would require oil companies to disclose where in California they use hydraulic fracturing The

draft regulations would require oil producers to test the integrity of wells they intend to use for hydraulic fracturing before drilling, to provide advance notice to the state and to monitor sites where hydraulic fracturing is employed. The regulations would also require drillers to disclose the chemical makeup of the fluids they use in hydraulic fracturing, though it would provide an exemption in cases where an operator claims the chemical makeup is a trade secret. These proposed regulations constitute a discussion draft and the process of adoption could take more than a year. Environmental groups have criticized the Brown proposal as too lenient and having too many loopholes.

The draft rules follow calls by lawmakers and environmentalists for the state to regulate hydraulic fracturing. The Western States Petroleum Association, a major industry group, announced in May that its members would voluntarily post information about hydraulic fracturing operations on a disclosure website, Frac Focus. The proposed regulations would require such disclosure.

Although Governor Brown's proposed regulations are a step in the right direction, the use of fracking should be suspended until the process can be regulated so that it poses no threat to the health and safety of Californians and the environment.

Fracking is currently being used in the cities of Inglewood, Baldwin Hills and Culver City. These cities have asked for support for a moratorium on fracking.

CONTACT PERSON

Councilmember Susan Wengraf Council District 6 510-981-7160

Attachments:

1: Resolution

RESOLUTION NO. ##,###-N.S.

IN SUPPORT OF A MORATORIUM ON FRACKING

WHEREAS, hydraulic fracturing, also known as fracking, potentially threatens the health of the water supply and the environment, and requires vast quantities of water, and the use of toxic chemicals; and

WHEREAS, fracking wastewater may often be laced with hundreds of toxic chemicals, heavy metals, and naturally occurring radioactive materials (NORM); and

WHEREAS, the disposal of fracking wastewater poses a significant challenge; and that the disposal methods currently available in California have an imminent possibility of reaching local streams and rivers, which can contaminate regional water supplies; and

WHEREAS, fracking is currently causing serious local and regional air pollution problems across the country, including the release of such hazardous air pollutants as methanol, formaldehyde, and carbon disulfide; and

WHEREAS, emissions generated by producing, refining and burning shale oil, and drilling and fracking for shale oil can result in significant uncontrolled emissions of methane, a potent greenhouse gas often associated underground with oil; and

WHEREAS, fracking in California may undermine the state's efforts to reduce greenhouse gas emissions to 1990 levels by 2020; and

WHEREAS, much of the State of California is located on top of earthquake fault lines; and

WHEREAS, numerous California cities have called for a moratorium on fracking until adequate safeguards are in place, including Los Angeles, West Hollywood and Santa Monica, Inglewood, Baldwin Hills and Culver City; and

WHEREAS, the EPA is currently conducting a study, to be completed in 2015, to determine the risks associated with this new industry; and

WHEREAS, under Governor Brown, the State of California's Division of Oil, Gas & Geothermal Resources (DOGGR) has recently proposed regulations that are a step in the right direction, but have exemptions and loopholes that can be exploited by the oil industry at the expense of both the public's health and safety and the health of our environment.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the Council urges the State of California's Division of Oil, Gas & Geothermal Resources to place a moratorium on hydraulic fracturing ("fracking") in California until adequate regulatory safeguards are in place.

