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Chico Environmental Coalition

DRAFT comments on Proposed California Fracking Regulations

(drafted by Dave Garcia with input by Carol Perkins, Robyn DiFalco, Grace Marvin, and others)

The Chico Environmental Coalition submits the following comments on the Department of Conservation's proposed Draft for Regulation, section 1700, pertaining to stimulation and hydraulic fracturing for oil and gas production. These comments are submitted in the context of California's significant challenges with water supply issues. The Bay Delta is in decline; entire communities lack sufficient, clean water; and water rights, insatiable demands, and greed outpace natural supply at ever increasing rates. 'Fracking' is an industry California can no longer support.

We believe in the precautionary rule of "Do No Harm" when taking actions affecting the health, safety, and quality of our air, water, land, people, industry, economy. It is vital to public health and safety that we take the utmost precautions in protecting our air, land, water, and food.

California's number one industry is agriculture, with 81,000 farms and ranches producing \$43.5 billion in profits for 2011. This industry grows our food and feeds our nation. We must not jeopardize our economy or our food systems for an estimated national shale energy supply that is likely to last only three years.

It is vital to public health and safety that we take the utmost precautions in protecting our air, land, water, and food.

We, the undersigned organizations, known collectively as the Chico Environmental Coalition, call for a moratorium on all fracking in our region and across California until the regulatory framework has been established to provide the necessary protections for the environment, agriculture, and public health and safety.

To that end, we have identified the following concerns that California's proposed regulation must address:

1) a) California must define realistic water supply availability based on existing and future climate scenarios. It is unfathomable and unconscionable that California squanders finite and already over-allocated water resources for the fracking industry despite the needs of our people, our agricultural industry, and our environment.

b) *We specifically oppose Section 1780(d): The "Protected Water" definition. This definition excludes significant potentially beneficial waters from protection. The definition is inconsistent with the Federal Safe Drinking Water Act in relation to brackish water. The definition excludes the Pacific Ocean which has approximately 33,500 mg/l TDS and is clearly entitled to protection from fracking.*

- 2)
 - a) An official, living chemical disclosure registry that lists the amount and type of chemicals to be used prior to drilling every well.
 - b) *We specifically oppose Section 1788.2 (b) “ the health professional executes a confidentiality agreement.” This constitutes a gag order on physicians and would prevent proper treatment of people exposed to hazardous chemicals. This provision jeopardizes medical and public health research and the prevention of harm to human health and the environment by undermining the CA State mandates of the Hazard Evaluation System and Information Service and the Occupational Health Branch.*
- 3) A 60 day notification to the CA Division of Oil, Gas, and Geothermal Resources (DOGGR), landowners, and neighbors within a mile of the drill site; and to water agencies, public health and environmental monitoring agencies (air and water quality) of intent to drill, via certified mail.
- 4) Establish a baseline monitoring system of groundwater sampling before and after drilling and fracking has occurred.
- 5) Establish air quality protections or pollution limits, including greenhouse gas emissions and volatile organic compound emissions with testing and monitoring stations.
- 6) Monitor and track all flowback and production water, including the proper disposal and volume of the wastewater.
- 7)
 - a) Completion of a CEQA report (EIR) on all wells prior to permit approval.
 - b) *We emphasize that while current California Law requires all oil/gas wells to meet CEQA requirements, the new proposed CA Fracking Regulations would eliminate the existing CEQA protections and do not even mention it in the draft.*
- 8) Prompt reporting of well-casing failures to surrounding landowners, the public, regional water boards and local water purveyors within 24 hours notice under penalty of fines.
- 9) California is the most earthquake-prone state in the nation. All well permits must be carefully evaluated in relation to nearby faults and aquifers in faults, the volume of frack fluid to be injected into a well, types of toxic and carcinogenic chemicals used and amount of PSI applied for stimulation in terms of damage assessment risks.
- 10) A moratorium on all well drilling until the EPA completes its actual field test drilling studies of water contamination. We must follow the precautionary rule when we stand to lose so much.

We are united as a community to protect the water resources of the north state from these industrial practices that currently threaten our community's health and vitality.