How Undisclosed Offshore Fracking Practices Are Inadvertently Reshaping Coastal Zone Regulatory Frameworks

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Fracking Frenzy

- Fracking Boom in Great Plains, New York, and Pennsylvania...
- But In California...?
Fracking in California

- Oil/Gas Industry acknowledged fracking onshore. Kern County, Los Angeles and Central Valley.
- Coastal advocates suspected offshore
- After several FOIAs, and scouring internal documents—confirmation fracking occurred a dozen times over two decades in Federal water.
- Fluids discharged into ocean. Near Marine Protected Areas.
Fracking in CA...

- Internal emails questioning how the DOI could allow fracking offshore without producing an EIS.

- Internal documents reveal offshore fracking is not very successful.

- **State legislators and certain regulators** livid. "We are in the dark. It is very distressing," said state Sen. Hannah-Beth Jackson

- Small group lobbies CA Coastal Commission (CCC) to examine Federal waters—simultaneously, we discover fracking in State waters.

- CCC launches full investigation
State of the State

- State vs Federal Waters (3 miles)
- Coastal Zone Management Act (CZMA) gives Commission authority to review Federal operations.
Stateside Status

• State Law prohibits the discharge of produced fluids in state waters
  – Most waste fluids reinjected into originating reservoir
  – “Closed loop” operations at sites with well stimulation treatments.
Federal Process

• Offshore oil and gas developed via OCS Plans:
  – Department of Interior’s Bureau of Safety and Environmental Enforcement (BSEE) Bureau of Ocean Energy Management (BOEM)

• CCC reviewed “consistency certifications” for 11 of 23 platforms. Some are pre-Coastal Act.

• National Pollution Discharge Elimination System (NPDES) reauthorized every 5 years by EPA.
  – Some operators assumed the ‘discharge covered’ in NEPDES, others sought Categorical Exclusions.
Hydraulic Fracturing in State Waters
(since 1994)

- **Long Beach Unit** → 195 fracked wells
- **Belmont Field** (Lease 186, from Island Chafee) → 8 fracked wells
- **Platform Esther** → 9 fracked wells

Source: California Dept. of Conservation, 2000.
Hydraulic Fracturing in Federal Waters

- 23 offshore platforms
- 12 confirmed instances of fracking
- 4 approved but pending plans to frack
- Confirmed use of acid stimulation

Platform Gilda
9 fracks, 8 wells (1994-2002)
*4 new fracks pending*

Platform Hidalgo
1 fracked well (1997)

Platform Gail
2 fracked wells (1992, 2010)

★ = platforms from which fracking has occurred
○ = other offshore platforms
LIFT THE FOG ON OCEAN FRACKING

How State and Federal Agencies Can Make the Oil Industry Come Clean on Well Stimulation*

*Acidization, Fracking and Frack-Packs

Recommendations to the California Coastal Commission
Hearing on February 12, 2014, from:

Environmental Defense Center, California Coastal Protection Network,
Surfrider Foundation, Ocean Foundation, WILDCOAST, and Citizens for Responsible
Oil and Gas
NGO Recommendations

- Oil companies conducting new fracking in state waters must obtain a Coastal Development Permit (CDP).
- The Commission will enter into a Memorandum of Agreement (MOA) with the California Department of Conservation to delineate the agencies’ authorities, responsibilities, and notification and reporting requirements.
- The Commission will work with: EPA and the Department of Interior’s Bureau of Safety and Environmental Enforcement (BSEE) to determine where fracking has been approved in older permits, some issued pre-Coastal Act, for drilling in federal waters.
NGO Recommendations

✓ The Commission requested federal regulators provide notification when new offshore oil-drilling includes fracking, so CCC can exercise its own regulatory authority under state and federal law.

✓ The Commission will advise U.S. EPA to modify its general permit for offshore oil and gas activities to require additional Commission review.

✓ The Commission will request to participate in upcoming fracking science and policy processes required by Senate Bill 4, which to establish a statewide regulatory framework for fracking.

✓ The Commission will convene a public workshop after the release of the SB 4 Science Study to examine the study’s results and identify its next steps.
Public Engagement

- Social media
- Blogs and Huffington Post
- Hold Community Forums around CCC hearings to explain process
- Engaging Chapter Network.