

# Colorado plans disclosure rules for fracking fluids by end of year

Mark Jaffe, Denver Post, 8-3-11

Colorado is aiming to join the growing number of states requiring the disclosure of chemicals used in the fracking process by the oil and gas industry, Gov. John Hickenlooper said Tuesday.

Hickenlooper, speaking at the Colorado Oil and Gas Association annual conference, said the goal was to have a rule in place by year's end for disclosing hydrofracturing fluids. The regulation would help "restore public confidence" in the industry, he said.

Eight states — from Pennsylvania to California — have adopted disclosure rules or are considering proposals.

The key issue will be whether Colorado ends up with a strong rule, like Wyoming's, or a weaker one, like Texas', said Gwen Lachelt, director of the Durango-based Oil and Gas Accountability Project.

"We will have to see how it plays out in Colorado," said David Neslin, the director of the Colorado Oil and Gas Commission, which will be responsible for drafting the rule.

State agencies and the Oil and Gas Association announced on Tuesday a voluntary program to test water quality before and after drilling and fracking.

The program is another response to the criticism that fracking may contaminate water, said Tisha Schuller, president of the association.

Under the program, water wells of two neighboring property owners will be tested before and after drilling and fracking.

Twenty of the largest drillers in the state — who have accounted for 90 percent of the wells drilled this year — have agreed to participate.

Tests will be paid for by oil companies, and results will be kept in a database by the Colorado Oil and Gas Commission.

The program will start in the fall, and the commission's Neslin estimated that it will add about 4,000 wells to the state's groundwater monitoring efforts — almost doubling the number of wells.

Hydraulic fracturing is a process in which millions of gallons of water and sand, laced with trace chemicals, is pumped into a well under pressure to create small fissures that release more oil or gas.

Companies, such as Halliburton, have refused to disclose the ingredients used, saying it is proprietary information.

Critics contend fracking fluids — which can contain potentially toxic chemicals — are a risk to groundwater.

In Pennsylvania, a blowout in a well being fracked has been linked to well pollution by the U.S. Environmental Protection Agency.

Colorado oil and gas officials say there is no documented case of fracking-caused pollution in the state.

Hickenlooper, a Democrat and former geologist, said disclosing the fluids' components will help make the process more transparent.

"The most valuable recipe in the world is for Coca-Cola, and they put it on the bottle," he said.

Hickenlooper said the concerns over fracking were overblown and not based on science.

"But the industry needs to be transparent," Hickenlooper said. "It needs to demonstrate, beyond a doubt, that this doesn't happen."

In initial talks with the industry, the governor said some companies, particularly smaller ones, saw the proposed rule as "an intrusion in their businesses."

"We've gone a long way to convincing them," he said. "More and more of the industry sees this as a good thing."

Industry representatives and environmental advocates cautiously endorsed the Hickenlooper administration move.

"We are willing to work with the governor on disclosure," said the oil and gas association's Schuller.

The accountability project's Lachelt said: "This is something we want to work on. We need a strong disclosure rule."

A key element will be deciding what constitutes a proprietary chemical — one that doesn't have to be disclosed, said Amy Mall, an energy analyst with the Natural Resources Defense Council.

Some companies already are disclosing what is in their fracking fluids through FracFocus — an online database managed by Ground Water Protection Council and the Interstate Oil and Gas Compact Commission.

In Colorado, 11 companies have filed the fracking fluids they used on 500 wells so far this year.

"If the Colorado disclosure rule is similar to FracFocus, it would be like our present practice," said A. Scott Moore, vice president of marketing for Anadarko Petroleum Corp., a major operator on the Front Range.

John Dill, a spokesman for Chesapeake Energy, another operator active in the state, said, "We supported the Wyoming, Texas, Louisiana and Arkansas rules, and we'll support Colorado's."