

HB 451

2017

1 A bill to be entitled
2 An act relating to advanced well stimulation
3 treatment; amending s. 377.19, F.S.; defining the term
4 "advanced well stimulation treatment"; conforming a
5 cross-reference; creating s. 377.2405, F.S.;
6 prohibiting the performance of advanced well
7 stimulation treatments; clarifying that permits for
8 drilling or operating a well do not authorize the
9 performance of advanced well stimulation treatments;
10 providing applicability; providing an effective date.

11
12 Be It Enacted by the Legislature of the State of Florida:

13
14 Section 1. Present subsections (1) through (32) are
15 redesignated as subsections (2) through (33), respectively,
16 present subsection (5) is amended, and a new subsection (1) is
17 added to section 377.19, Florida Statutes, to read:

18 377.19 Definitions.—As used in ss. 377.06, 377.07, and
19 377.10-377.40, the term:

20 (1) "Advanced well stimulation treatment" means all stages
21 of a well intervention performed by injecting fluids into a rock
22 formation:

23 (a) At pressure that is at or exceeds the fracture
24 gradient of the rock formation and the purpose or effect is to
25 fracture the formation to increase production or recovery from

26 an oil or gas well, such as hydraulic fracturing or acid
27 fracturing; or

28 (b) At pressure below the fracture gradient of the rock
29 formation and the purpose or effect is to dissolve the formation
30 to increase production or recovery from an oil or gas well, such
31 as matrix acidizing.

32
33 The term does not include techniques used for routine well
34 cleanout work, well maintenance, or removal of formation damage
35 due to drilling or production, or acidizing techniques used to
36 maintain or restore the natural permeability of the formation
37 near the wellbore.

38 (6) ~~(5)~~ "Gas" means all natural gas, including casinghead
39 gas, and all other hydrocarbons not defined as oil in subsection
40 (16) ~~(15)~~.

41 Section 2. Section 377.2405, Florida Statutes, is created
42 to read:

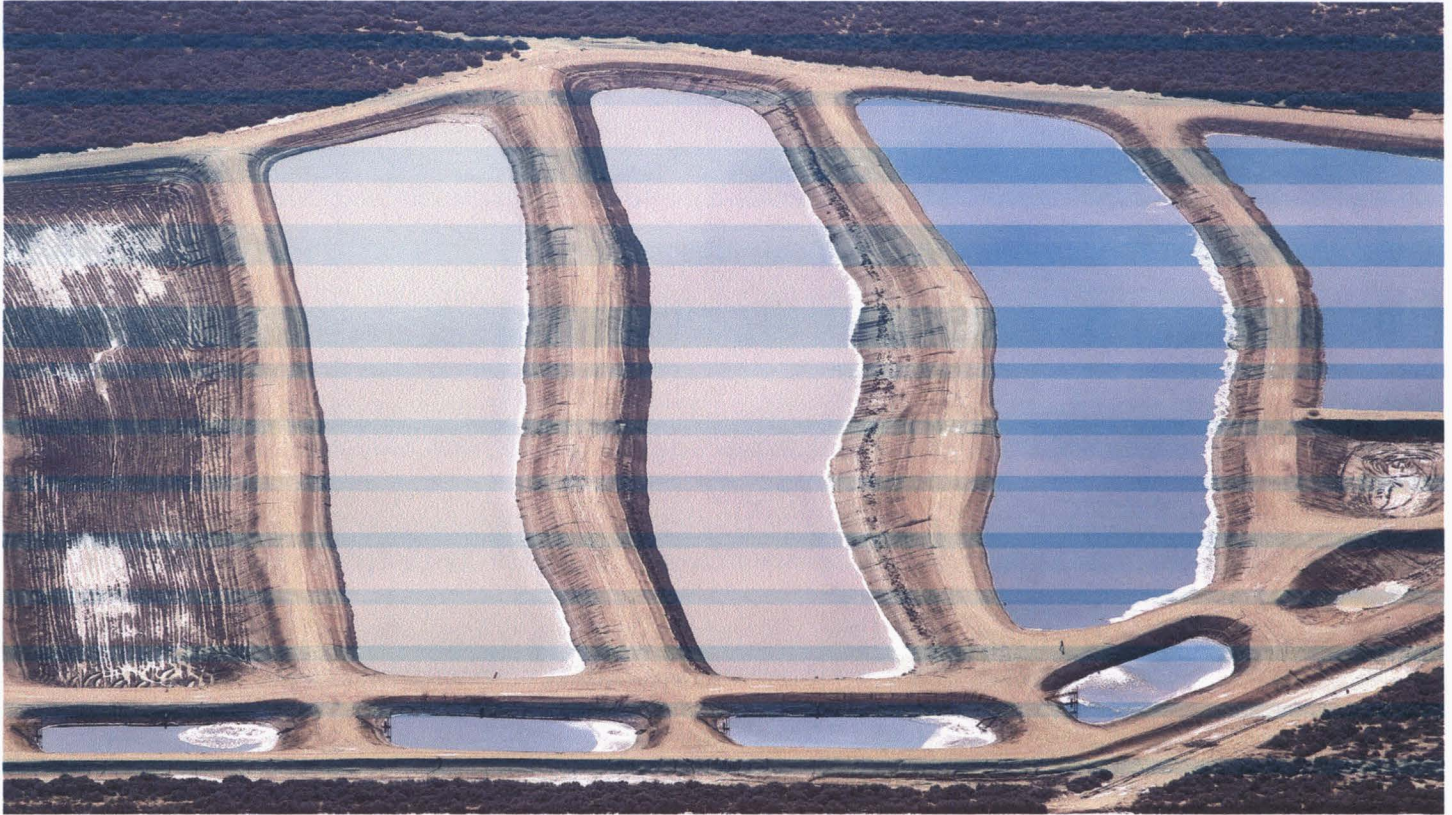
43 377.2405 Advanced well stimulation treatments.—

44 (1) BAN.—The performance of advanced well stimulation
45 treatments is prohibited in this state. A permit for drilling or
46 operating a well does not authorize the performance of advanced
47 well stimulation treatments.

48 (2) APPLICABILITY.—This section only applies to wells
49 regulated pursuant to chapter 377.

50 Section 3. This act shall take effect upon becoming a law.

Hundreds of illicit oil wastewater pits found in Kern County



Pits containing production water from oil wells in Kern County. (Brian van der Brug / Los Angeles Times)



By **Julie Cart**

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Survey reveals more than 300 unlined oil wastewater pits operating in Kern County without permits

FEBRUARY 26, 2015, 10:10 PM | REPORTING FROM BAKERSFIELD

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ater officials in Kern County discovered that oil producers have been dumping chemical-laden wastewater into hundreds of unlined pits that are operating without proper permits.

Inspections completed this week by the Central Valley Regional Water Quality Control Board revealed the existence of more than 300 previously unidentified waste sites. The water board's review found that more than one-third of the region's active disposal pits are operating without permission.

The pits raise new water quality concerns in a region where agricultural fields sit side by side with oil fields and where California's ongoing drought has made protecting groundwater supplies paramount.

Clay Rodgers, assistant executive officer of the water board's Fresno office, called the unregulated pits a "significant problem" and said the agency expects to issue as many as 200 enforcement orders.

State regulators face federal scrutiny for what critics say has been decades of lax oversight of the oil and gas industry and fracking operations in particular. The Division of Oil, Gas and Geothermal Resources has admitted that for years it allowed companies to inject fracking wastewater into protected groundwater aquifers, a problem they attributed to a history of chaotic record-keeping.

"The state doesn't seem to be willing to put the protection of groundwater and water quality ahead of the oil industry being able to do business as usual," said Andrew Grinberg of the group Clean Water Action.

The pits — long, shallow troughs gouged out of dirt — hold water that is produced from fracking and other oil drilling operations. The water forced out of the ground during oil operations is heavily saline and often contains benzene and other naturally occurring but toxic compounds.

Regional water officials said they believe that none of the pits in the county have linings that would prevent chemicals from seeping into groundwater beneath them. Some of the pits also lack netting or covers to protect migrating birds or other wildlife.

Currently, linings for pits are not required, though officials said they will consider requiring them in the future. Covers are mandated in some instances.

The pits are a common site on the west side of Bakersfield's oil patch. In some cases, waste facilities contain 40 or more pits, arranged in neat rows. Kern County accounts for at least 80% of California's oil production.

The facilities are close to county roads but partially hidden behind earthen berms. At one pit this week, waves of heat rose from newly dumped water, and an acrid, petroleum smell hung in the air.

Rodgers said Thursday that the agency's review found 933 pits, or sumps, in Kern County. Of those, 578 are active and 355 are not currently used.

Of the active pits, 370 have permits to operate and 208 do not. All of the pits have now been inspected, he said.

The possible existence of hundreds of unpermitted pits came to light when regional water officials compared their list of pit operators to a list compiled by the Division of Oil, Gas and Geothermal Resources. The oil regulator's list contained at least 300 more waste pits than water officials had permitted, Rodgers said.

His staff began inspecting the wastewater sites in April. Initial testing of water wells has not revealed any tainted water, he said.

The pits are an inexpensive disposal method for an enormous volume of water that is forced out of the ground during drilling or other operations, such as fracking. Rodgers said that just one field, the McKittrick Oil Field, produces 110,000 barrels of wastewater a day. According to figures from 2013, oil operations in Kern County produce 80 billion gallons of such wastewater — an amount that if clean would supply nearly a half-million households for a year.

More than 2,000 pits have been dredged over decades of oil operations in Kern County, according to water board records. Oil field companies have not always properly disposed of water, Rodgers said. As recently as the 1980s, it was customary to dump wastewater into drainage canals that line the San Joaquin Valley's agricultural fields.

But using unlined pits to dispose of wastewater is becoming less common. Some states ban the practice, and many in the oil and gas industry do not consider it effective.

The water board's long-term plan to address the problem includes requiring remediation of some abandoned pits so that contaminants left behind don't pollute the air, Rodgers said.

In pits located near clean water sources, Rodgers said, operators will be required to install monitor wells to test water quality. The companies will pay for the testing and provide the results to water officials.

The water board will publish a series of general orders that he said will more tightly control the operation of wastewater pits.

“Our goal is to protect water quality,” Rodgers said. “Our goal is not to shut anybody down, but by the same token, they do not own the waters beneath them. Those waters are for the public good.”

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UPDATE

10:10: This post was updated with additional reporting.

This post was originally published at 6:05 p.m.

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