

AMENDED IN SENATE JULY 7, 2011  
AMENDED IN ASSEMBLY MAY 27, 2011  
AMENDED IN ASSEMBLY MAY 10, 2011  
AMENDED IN ASSEMBLY APRIL 12, 2011

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

**ASSEMBLY BILL**

**No. 591**

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**Introduced by Assembly Member Wieckowski  
(Principal coauthor: Assembly Member Dickinson)  
(Coauthor: Assembly Member Allen)**

February 16, 2011

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An act to amend Sections 3210, 3213, and 3215 of, *and to add Section 3017 to*, the Public Resources Code, relating to oil and gas production.

LEGISLATIVE COUNSEL'S DIGEST

AB 591, as amended, Wieckowski. Oil and gas production: hydraulic fracturing.

Under existing law, the Division of Oil, Gas, and Geothermal Resources in the Department of Conservation regulates the drilling, operation, maintenance, and abandonment of oil and gas wells in the state. The State Oil and Gas Supervisor supervises the drilling, operation, maintenance, and abandonment of wells and the operation, maintenance, and removal or abandonment of tanks and facilities related to oil and gas production within an oil and gas field regarding safety and environmental damage. Existing law requires the owner or operator of a well to keep, or cause to be kept, a careful and accurate log, core record, and history of the drilling of the well. Within 60 days after the date of cessation of drilling, rework, or abandonment operations, the

owner or operator is required to file with the district deputy certain information, including the history of work performed.

This bill would *define “hydraulic fracturing”* and require a person carrying out hydraulic fracturing on behalf of an owner or operator at a well to provide to the owner or operator a list of the chemical constituents used in the hydraulic fracturing fluid *and the amount of water and hydraulic fracturing fluid recovered from the well*. The bill would additionally require the history of the drilling of the well to include certain information regarding the amount and source of water used in the exploration or production from the well and the radiological components or tracers injected into the well. The bill would also require the history to include, if hydraulic fracturing was used at the well, a complete list of the chemicals used in the hydraulic fracturing *and the amount and disposition of water and hydraulic fracturing fluid recovered from the well*.

The bill would require the owner or operator to submit to the supervisor information regarding the chemicals used in hydraulic fracturing, who would be required to add this information to existing Internet maps on the division’s Internet Web site and to make this information available to the public.

*This bill would require the State Oil and Gas Supervisor on or before January 1, 2013, and annually thereafter, to prepare and transmit to the Legislature a comprehensive report on hydraulic fracturing in the exploration and production of oil and gas resources in California.*

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. The Legislature finds and declares all of the
- 2 following:
- 3 (a) Hydraulic fracturing is a technique used in the production
- 4 of oil and gas that involves the pressurized injection of water and
- 5 a mix of chemicals into an underground geologic formation in
- 6 order to fracture the formation, thereby causing or enhancing the
- 7 production of oil or gas from a well.
- 8 (b) Hydraulic fracturing has been used in California for several
- 9 decades to extract oil and gas and is likely to be used more
- 10 extensively as the industry seeks to develop additional ~~oil and gas~~
- 11 ~~bearing oil- and gas-bearing~~ formations.

1 (c) The Division of Oil, Gas, and Geothermal Resources in the  
2 Department of Conservation, which has the obligation to protect  
3 public health and the resources of the state, including groundwater  
4 resources, has the authority to regulate all oil and natural gas  
5 drilling in the state, but currently does not require the disclosure  
6 of pertinent information regarding hydraulic fracturing or ascertain  
7 what specific types of production and exploration are taking place  
8 at permitted wells.

9 (d) Given California’s geologic, seismic complexity, and finite  
10 and significantly compromised water resources, it is important to  
11 collect basic information about natural resource production  
12 processes. The state and the public should know when and where  
13 hydraulic fracturing is occurring and what chemicals are being  
14 used in the process.

15 *SEC. 2. Section 3017 is added to the Public Resources Code,*  
16 *to read:*

17 *3017. “Hydraulic fracturing” means a technique used in*  
18 *preparing a well that typically involves the pressurized injection*  
19 *of water and a mix of chemicals, compounds, and materials into*  
20 *an underground geologic formation in order to fracture the*  
21 *formation, thereby causing or enhancing, for the purposes of this*  
22 *division, the production of oil or gas from a well.*

23 ~~SEC. 2.~~

24 *SEC. 3. Section 3210 of the Public Resources Code is amended*  
25 *to read:*

26 3210. (a) The owner or operator of any well shall keep, or  
27 cause to be kept, a careful and accurate log, core record, and history  
28 of the drilling of the well.

29 (b) A person carrying out hydraulic fracturing on behalf of an  
30 owner or operator at a well shall provide to that owner or operator  
31 a complete list of the chemical constituents used in the hydraulic  
32 fracturing fluid and each chemical’s associated ~~chemical abstract~~  
33 ~~service~~ *Chemical Abstracts Service* (CAS) numbers, for the  
34 purposes of accurately and completely maintaining the well’s log,  
35 history, and core record, and ensuring compliance with the  
36 disclosure requirements of this article.

37 (c) *A person carrying out hydraulic fracturing on behalf of an*  
38 *owner or operator at a well shall provide to that owner or operator*  
39 *the amount and disposition of water and hydraulic fracturing fluid*  
40 *recovered from each well prior to the reporting of the water*

1 *produced pursuant to Section 3227, for the purposes of accurately*  
 2 *and completely maintaining the well's log, history, and core record,*  
 3 *and ensuring compliance with the disclosure requirements of this*  
 4 *article.*

5 ~~SEC. 3.~~

6 *SEC. 4.* Section 3213 of the Public Resources Code is amended  
 7 to read:

8 3213. (a) The history of the drilling of the well shall show all  
 9 of the following:

10 (1) The location and amount of sidetracked casings, tools, or  
 11 other material, the depth and quantity of cement in cement plugs,  
 12 the shots of dynamite or other explosives, and the results of  
 13 production and other tests during drilling operations.

14 (2) The amount and source of water used in the exploration of  
 15 or production from the well, which shall be updated annually.

16 (3) Any radiological components or tracers injected into the  
 17 well and a description of the recovery method, if any, for those  
 18 components or tracers, the recovery rate, and the disposal method  
 19 for recovered components or tracers.

20 (b) If hydraulic fracturing was used at the well, the history of  
 21 the drilling of the well shall also include ~~a complete list of the~~  
 22 ~~chemicals used in the hydraulic fracturing. This list shall include~~  
 23 ~~the names of all of the chemicals used and their chemical abstract~~  
 24 ~~service (CAS) numbers. both of the following:~~

25 (1) *A complete list of the chemicals used in the hydraulic*  
 26 *fracturing. This list shall include the names of all of the chemicals*  
 27 *used and their Chemical Abstracts Service (CAS) numbers.*

28 (2) *The amount and disposition of water and hydraulic*  
 29 *fracturing fluid recovered from each well prior to the reporting*  
 30 *of the water produced pursuant to Section 3227.*

31 ~~SEC. 4.~~

32 *SEC. 5.* Section 3215 of the Public Resources Code is amended  
 33 to read:

34 3215. (a) Within 60 days after the date of cessation of drilling,  
 35 rework, *hydraulic fracturing*, or abandonment operations, or the  
 36 date of suspension of operations, the owner or operator shall file  
 37 with the district deputy, in the form approved by the supervisor,  
 38 true copies of the log, core record, and history of work performed,  
 39 and, if made, true and reproducible copies of all electrical, physical,  
 40 or chemical logs, tests, or surveys. Upon a showing of hardship,

1 the supervisor may extend the time within which to comply with  
2 this section for a period not to exceed 60 additional days.

3 (b) The owner or operator shall also submit to the supervisor  
4 information provided in the history pursuant to ~~paragraph (1) of~~  
5 subdivision (b) of Section 3213 and the supervisor shall add this  
6 information to existing Internet maps on the division's Internet  
7 Web site, and make the information available to the public in such  
8 a way that the list of chemicals is associated with each specific  
9 well where those chemicals were injected.

10 (c) *On or before January 1, 2013, and annually thereafter, the*  
11 *supervisor shall prepare and transmit to the Legislature a*  
12 *comprehensive report on hydraulic fracturing in the exploration*  
13 *and production of oil and gas resources in California using the*  
14 *data provided pursuant to subdivision (b) of Section 3213. The*  
15 *report also shall include relevant additional information, as*  
16 *necessary, including, but not limited to, the disposition of water*  
17 *used in the process.*

18 (d) *A report to be submitted pursuant to subdivision (c) shall*  
19 *be submitted in compliance with Section 9795 of the Government*  
20 *Code.*