Colorado Governor Proposes Fracking Fluid Rule

DAN ELLIOTT, Associated Press

DENVER (AP) — Colorado Gov. John Hickenlooper proposed Tuesday that energy companies operating in his state be required to publicly disclose the ingredients of the fluids they inject into the ground to extract more oil and gas, even though he said there is almost no chance the fluids are contaminating water wells.

"It's almost inconceivable" that so-called fracking fluids affect groundwater because they are released far below the level of the water, Hickenlooper told a Colorado Oil and Gas Association conference in Denver.

Disclosing the contents would help build public trust in the industry, said Hickenlooper, a Democrat and former petroleum geologist.

Fracking involves pumping a high-pressure mix of water and chemicals to crack rock formations deep underground and release oil and gas. The practice has taken on national importance as companies use it in more states.

Texas has a new law that will require energy companies to reveal the makeup of fracking fluids. Pennsylvania plans to measure baseline public health conditions in the northeastern part of the state to help track any future health impact from drilling.

Energy companies resist revealing what is in their fracking fluids, saying the contents are proprietary and disclosing them could hurt their ability to compete. Critics, including environmental groups, say the chemicals could be tainting drinking water.

Tisha Conoly Schuller, president and CEO of the Colorado Oil and Gas Association, said the industry is "open to working with the administration" on disclosure rules.

Hickenlooper said fracking disclosure rules for Colorado would be written and enforced by the state Oil and Gas Conservation Commission, which regulates the energy industry in Colorado.

The energy industry has been harshly critical of 2008 rules imposed by the nine-member commission, saying they are among the most restrictive regulations in the nation.

Last week, Hickenlooper nominated four new members. Industry groups reacted favorably to his choices, saying the new members had technical expertise and industry experience and would stabilize the panel. Environmental groups were critical, calling some of the nominees a gift to the industry.

The nominees must be approved by the state Senate. They include two energy

company executives, the chairman of Colorado's Regional Air Quality Council and the mayor of Lupton, a town of 7,800 in Weld County, where oil and gas drilling has been active in recent months.

Frank Smith of the Western Colorado Congress, an environmental group, welcomed Hickenlooper's proposal but said the rules need teeth and shouldn't allow any exemptions for proprietary ingredients. That would leave too large an information gap for regulators and water experts, he said.

He also suggested disclosure rules should have been imposed sooner.

"It's about time," he said. "Colorado has about 43,000 oil and gas wells." He added that new wells will likely be drilled in the vicinity of Denver, Colorado's largest population center.

Hickenlooper also proposed a voluntary program to test groundwater around oil and gas wells before and after drilling to check for signs of contamination.

The water would be tested by a third-party laboratory and the results would be turned over to the state, which would compile a database with the data.

Conoly Schuller said the database would be open to the public.

Asked if the public would be skeptical of the results after his public statement that fracking contamination is unlikely, the governor said no.

"Science is science," he said.

He said he wants to hold the industry to high environmental standards while reducing red tape.

Hickenlooper criticized some news media reporting that suggested a link between fracking and groundwater contamination. He said some reports have distorted the facts, taken facts out of context and engaged in hyperbole.

"Being transparent (about fracking fluids) would clearly demonstrate beyond any doubt that this doesn't happen," he said.

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