

COLORADO OKS TOUGHEST FRACKING FLUID RULES IN U.S.



After hearing more than 11 hours of testimony in a meeting last week, Colorado regulators Tuesday approved tough new rules governing chemicals used in the controversial process of hydraulic fracturing. Also known as "fracking," hydraulic fracturing is a process whereby slurry of water, sand and chemicals are pumped into a well at very high pressure to force natural gas out of shale rock formations. The new rules require companies to publicly disclose the chemicals—and their concentrations—found in the fracking fluid.

Meeting all day on Tuesday with environmental groups, industry representatives and other stakeholders, the nine-member Colorado Oil and Gas Conservation Commission unanimously approved the new rules which will take effect in April 2012.

Building upon a set of rules passed by Colorado regulators in 2008 mandating disclosure of fracking chemicals to state regulators and health professionals upon request, the amended rules adopted Tuesday require operators to publish the hazardous and non-hazardous chemicals used to hydraulically fracture a well, as well as the concentrations of each chemical, to a disclosure website within 60 days of hydraulically fracturing a well.



Colorado Gov. John Hickenlooper commended the various parties for coming together on the disclosure rule. “These new rules give Colorado the fairest and most transparent set of fracking regulations in the country and will likely serve as a model for other states,” Hickenlooper said.

The Democrat and former geologist, Hickenlooper, has been very public about his support of hydraulic fracturing, as long as it is done in a safe and responsible manner.

"We believe oil and gas development can thrive while also meeting our high standards for protection of public health, water and the environment,"

Hickenlooper said.

The oil and gas industry also supported the new framework agreed upon Tuesday.

"Colorado now has the strongest hydraulic fracturing rule in the country," said

Tisha Schuller, president and CEO of the Colorado Oil and Gas Association.

"But more importantly," Schuller added, "we have gained a model process to bring together industry, environmental advocates, and regulators to ensure energy development continues in keeping with protecting the environmental resources of our state."

The regulations are similar to those passed in Wyoming and Texas but go a step further, requiring companies to disclose the concentrations of chemicals in addition to the chemicals themselves. Eleven states have adopted or are in the process of drafting rules governing the disclosure of fracking fluids. But each state is a bit different.

Under the new Colorado rules, drillers can claim a trade secret, but they must file a form ensuring trade secret claims meet the appropriate definition, and sign an affidavit that chemicals cited qualify for trade secret protection. Even then, drillers have to publicly disclose the ingredient's chemical family. And at any time, regulators and medical professionals can obtain trade secret information upon request.

The new rule gets past what has been the biggest sticking point for fracking operators, the issue of proprietary secrecy, by striking a balance that recognizes and protects industry trade secrets so operators can maintain their competitive edge.

The actual chemical make-up of fracking fluid changes from one location to the next, based on the given area's geological characteristics. Those geologically-determined differences in the fracking fluid compounds are what drillers say they are trying to keep secret, not the harmful chemicals that have sometimes been associated with fracking operations.

Source: <http://earthandindustry.com/2011/12/colorado-fracking-fluid-disclosure-rules/>