

# **Public Participation and Communication Plan**

## **Model Criteria for Groundwater Monitoring in Areas Subject to Well Stimulation Treatments**

*As Required under Senate Bill 4*

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### **Introduction**

Senate Bill 4 (SB 4) signed into law by Governor Brown on September 20, 2013, amended the Public Resources and Water Codes. The law defines new standards by which the oil and gas operator, the Division of Oil, Gas, and Geothermal Resources (DOGGR), the State Water Resources Control Board, (State Water Board), and other applicable agencies, must follow when performing or permitting well stimulation treatments (i.e., hydraulic fracturing or “fracking”) used in oil and gas exploration and production.

The State Water Board is required to develop model criteria for groundwater monitoring in areas subject to well stimulation treatments by July 1, 2015, and begin implementation of the regional monitoring program by January 1, 2016. The model criteria are to include (but not limited to), the chemical constituents to analyze, the frequency and duration of sampling, reporting protocols, and areas to monitor. The model criteria for groundwater monitoring are to ensure that regulators, local health officials, and the public have representative groundwater monitoring data to determine if well stimulation treatments (like hydraulic fracturing) have an effect on groundwater quality. SB 4 also requires DOGGR to adopt regulations specific to well stimulation; interim emergency regulations became effective in January 2014, and final regulations will be effective July 1, 2015.

This public participation and communication plan outlines the procedures under the following two responsibilities:

- Develop model groundwater monitoring criteria by July 1, 2015, in consultation with DOGGR and other stakeholders, to be implemented either on a well-by-well basis for a well subject to well stimulation treatment, or on a regional scale.
- Begin implementation of a regional groundwater monitoring program by January 1, 2016.

### **Purpose**

The purpose of the Public Participation and Communication Plan is to identify the activities and communication tools the State Water Board will use to provide project information, solicit input, engage in dialogue, and respond to input from stakeholders and the public during development of the model criteria.

### **Public Participation and Communication**

As part of this public participation and communication process, the State Water Board, in coordination with the Regional Water Quality Control Boards (Regional Water Boards), will

engage with interested parties through various public participation opportunities as identified in this plan.

### Process

The State Water Board will follow the principles and practices listed below during this process:

- Public meeting materials will be made available to the public on the State Water Board [SB 4 website](#).
- Board meeting agendas and materials will be available online on the [Board Information website](#) at least 10 days in advance of the public meeting.
- Public comment periods will be available for both the draft and final draft model criteria developed by the State Water Board. The documents will be available on the [Documents for Public Comment website](#).
- If there is a need for interpreters at public meetings, they will be provided as appropriate.
- Program staff will evaluate the public participation process and make adjustments as deemed appropriate.

## **External Scientific Review**

State Water Board staff is relying upon recommendations by experts in water quality research, education and oil and gas production to help develop the model criteria. This will ensure that the model criteria are based upon sound scientific knowledge, methods, and practices.

## **Decision Making**

Stakeholders and members of the public are encouraged to provide input to the State Water Board regarding their concerns and recommendations for the model criteria through public meetings and public comment periods.

## **Roles and Responsibilities**

The State Water Board, in coordination with the Regional Water Boards, is to develop the model criteria in consultation with DOGGR, public stakeholders, and technical experts. Lawrence Livermore National Laboratory (LLNL) is providing the technical expertise and written recommendations to State Water Board staff. Recommendations are to be protective of groundwater protection, clearly written, and technically feasible.

LLNL – as lead expert, will consult, document, and provide written recommendations for model criteria. LLNL shall be unbiased and consider recommendations that balance all interests. LLNL will consult with other technical experts in this process. These written recommendations will be considered by the State Water Board in development of the model criteria.

U.S. Geological Survey (USGS) – will work with State Water Board staff to collect additional data and information since existing groundwater quality data is scarce in areas subject to well stimulation treatments. The USGS will collect and analyze new and existing information to help develop the model criteria and in particular regional groundwater monitoring.

State Water Board Staff – will consider recommendations by LLNL, information collected by USGS, and input from stakeholders, and the public when developing the model criteria.

Stakeholders and Public – DOGGR will participate and present at public stakeholder meetings, as well as other face-to-face meetings with experts and State Water Board staff. Stakeholders represent groups from the oil and gas industry, agriculture, environmental justice, and local government, and provide input about the effects of oil and gas production in a given area.

## Communication Tools

This section describes the communication tools State Water Board staff use to keep stakeholders and the public informed during the model criteria development process and opportunities for public participation and input that the State Water Board will provide.

### Communication Tools

- State Water Board staff uses its SB 4 [website](#)<sup>1</sup> to maintain information and materials associated with model criteria development. Information is easily accessible and allows interested parties to track the status of the project. The website includes a link where interested individuals can sign up to be included on the Oil and Gas Groundwater Monitoring (SB 4) e-mail notification [list](#)<sup>2</sup>. In addition, a link to access the draft model criteria during [public comment](#)<sup>3</sup> periods will be provided.
- State Water Board staff uses e-mail as its main form of electronic communication. News releases also provide the most important information about public participation and notification. E-mail announcements through the Oil and Gas Groundwater Monitoring (SB 4) e-mail notification list provides general information about the development process including notifications of draft or final documents, opportunities for public participation, and other pertinent information.

## Project Timeline

State Water Board staff will provide opportunities for public participation as identified in the Project Timeline (Table 1 below).

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<sup>1</sup> [http://www.waterboards.ca.gov/water\\_issues/programs/groundwater/sb4/index.shtml](http://www.waterboards.ca.gov/water_issues/programs/groundwater/sb4/index.shtml)

<sup>2</sup> [http://www.waterboards.ca.gov/water\\_issues/programs/groundwater/sb4/index.shtml#info](http://www.waterboards.ca.gov/water_issues/programs/groundwater/sb4/index.shtml#info)

<sup>3</sup> [http://www.waterboards.ca.gov/public\\_notices/comments/index.shtml](http://www.waterboards.ca.gov/public_notices/comments/index.shtml)

TABLE 1. DEVELOPMENT OF MODEL CRITERIA: SCHEDULE			
Task	Start Date	End Date	Status
<b>State Water Board Stakeholder Meetings (2)</b> - to receive input on recommendations <ul style="list-style-type: none"> <li>• Oil and Gas industry</li> <li>• Agriculture</li> <li>• Environmental Groups</li> <li>• Local Government</li> </ul>		8/7/2014 & 8/25/2014	Complete
LLNL Stakeholder Meeting/ Public Workshop (1) - to gather information <ul style="list-style-type: none"> <li>• Oil and Gas industry</li> <li>• Environmental Justice</li> <li>• Written Comments by: <ul style="list-style-type: none"> <li>- Kern County Farm Bureau</li> <li>- Environmental Working Group</li> <li>- Center on Race, Poverty, and the Environment</li> <li>- Steven White</li> </ul> </li> <li>• USGS Scientific Discussion Paper</li> </ul>		12/11/2014	Complete
LLNL and Expert Meetings	Sep-14	Feb-15	Complete
Expert Peer Reviews of LLNL Draft Recommendations	Feb-15	Mar-15	Complete
<b>April 8 Board Informational Item</b>		4/8/2015	Complete
LLNL Draft Recommendations DUE to State Water Board		4/2/2015 <sup>1</sup>	Complete
Internal Review of LLNL Recommendations	4/2/2015	4/15/2015	Pending
First Draft of Model Criteria DUE		4/29/2015	Pending
<b>Public Comment for Model Criteria - Posted Online</b>	<b>4/29/2015<sup>2</sup></b>	<b>5/29/2015</b>	Pending
<b>May 20 Board Workshop - Public Comments on Draft Model Criteria, Receive Board Member Feedback</b>		<b>5/20/2015</b>	Pending
LLNL Final Recommendations DUE to State Water Board Staff		6/16/2015	Pending
Internal Review of LLNL Recommendations	6/19/2015	6/29/2015	Pending
Final Draft Model Criteria- RELEASE		6/19/2015	Pending
<b>Public Comment for Final Model Criteria - Posted Online</b>	<b>6/19/2015</b>	<b>6/29/2015</b>	Pending
Model Criteria RELEASE with Board Meeting Agenda		7/1/2015	Pending
<b>Board Meeting - FINAL DEVELOPMENT / ADOPTION</b>		<b>7/7/2015</b>	Pending

<sup>1</sup> Dates italicized are anticipated, subject to change.

<sup>2</sup> Opportunities for public participation are in bold.