

Oil Extraction and Home Rule Authority



Aoghs.org



Tampa Bay Times



State Archives of Florida, Florida Memory,
<http://floridamemory.com/items/show/117250>



Naples daily news



Bos.myflorida.com

Conservancy of Southwest Florida

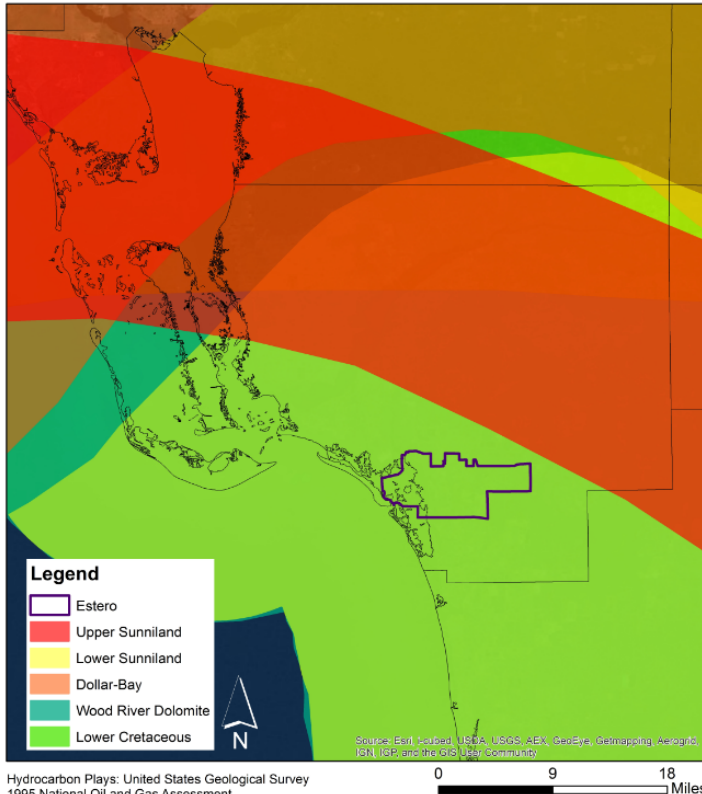
September 17, 2015

Presentation to Village of Estero

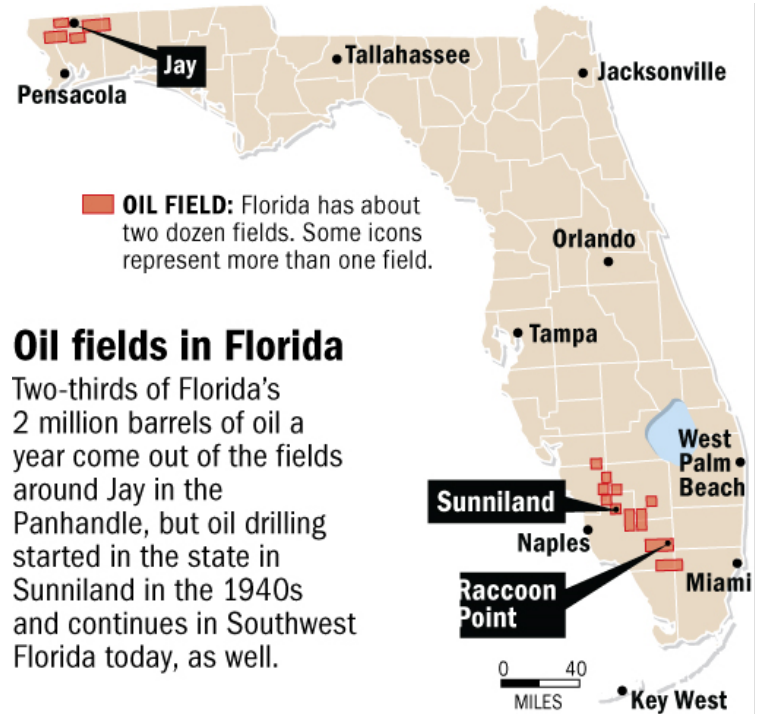


Estero Geology

Estero is located on top of confirmed and hypothetical oil plays

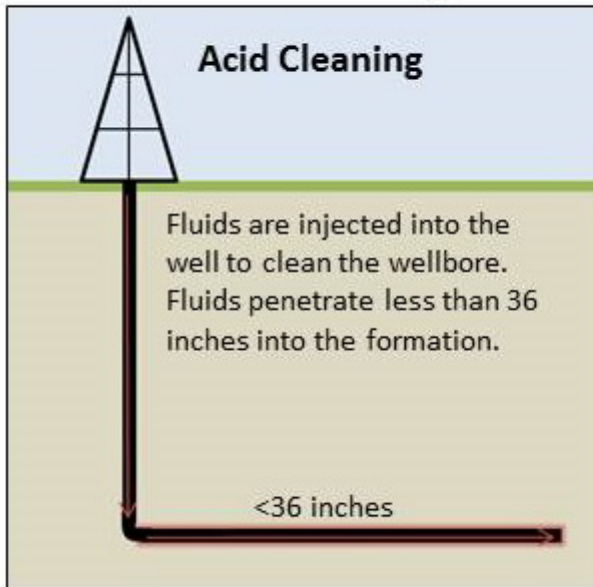


Estero is within the Lower Sunniland (confirmed), Lower Cretaceous (hypothetical), and Wood River Dolomite (hypothetical)



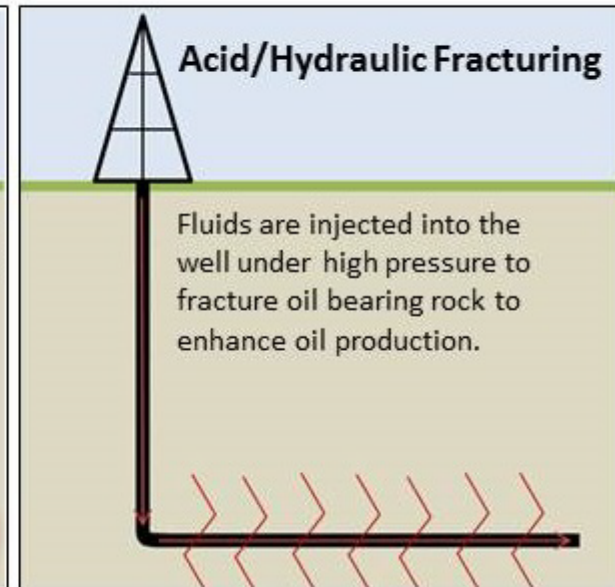
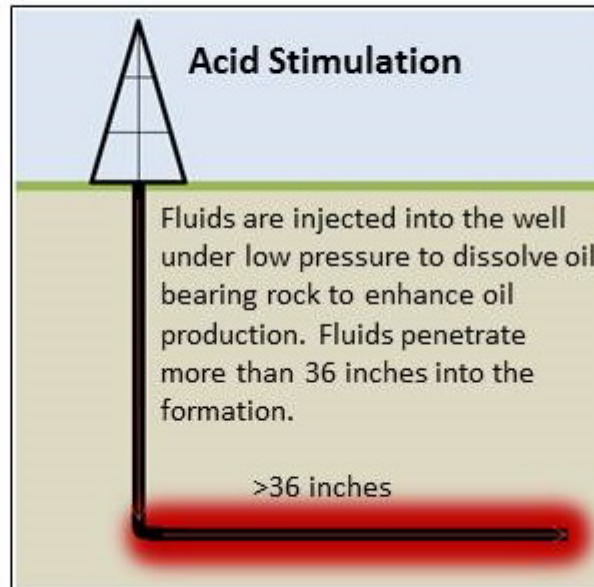
Extraction Techniques

Well Cleaning



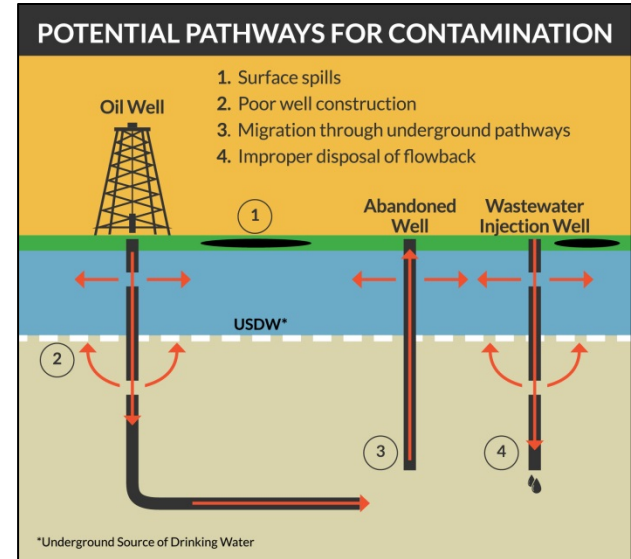
VS

Well Stimulation



Risk and Impacts

- Multiple pathways for contamination
- Impacts on air quality
- Significant freshwater usage with no potential to recycle back to drinking water
- Increase in vehicle traffic, roadway damage, and potential for accidents
- Light and noise disturbance to surrounding uses



Truck heading to drill site causes bridge collapse



State Law

Current Process

1. Own or lease minerals
2. Apply for FDEP drilling permit (Valid 1 year)
3. Apply for FDEP operating permit (Requires recertification/ 5 years)
4. Notify FDEP of any workovers

No permit required for chemical treatments

FAC 62C-25.002

(61) **WORKOVER shall mean** an operation involving a deepening, plug back, repair, cement squeeze, perforation, **hydraulic fracturing, acidizing, or other chemical treatment which is performed in a production, disposal, or injection well in order to restore, sustain, or increase production,** disposal, or injection rates.

FAC 62C-29.006

(1) Notification. Each operator shall notify the Department's agent prior to commencing a workover operation or, during an emergency, as soon thereafter as possible.



2015 Oil and Gas Regulatory Bills

- Require a permit for “high pressure well stimulation” only
- Temporary moratorium and study on “high pressure well stimulation” only
- Offers some public disclosure of chemicals used (but only those which are not claimed trade secret)
- Excludes techniques which dissolve rock

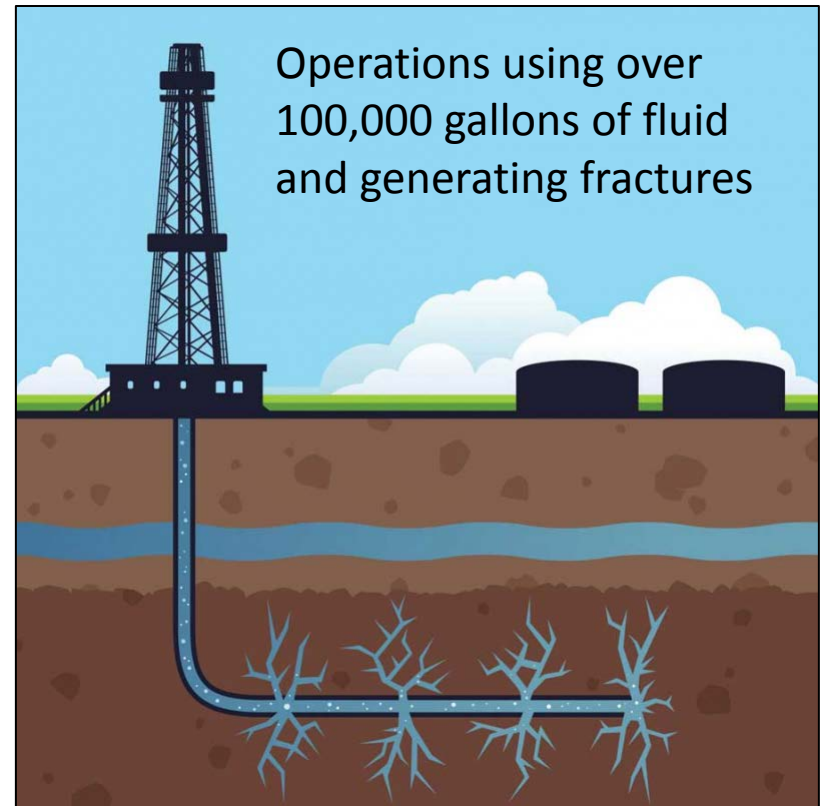










Photo from: Debatos.com



Other Outstanding Issues

Issue	2015 Legislation
Information	Requires study and moratorium only for high-pressure well stimulation 
Lack of oversight	Permit only for high-pressure well stimulation 
Lack of transparency	Public process but no guaranteed disclosure to public or health professionals 
Inappropriate water use	
Balance mineral and surface rights	
Address pathways for contamination	
Accountability/ liability	
Local management	



2016 Oil and Gas Regulatory Bills

- Require a permit for “high pressure well stimulation” only
- Temporary moratorium and study on “high pressure well stimulation” only
- Will likely exclude techniques which dissolve rock *and* techniques which incidentally fracture the formation
- Will likely include a stronger preemption of local governments

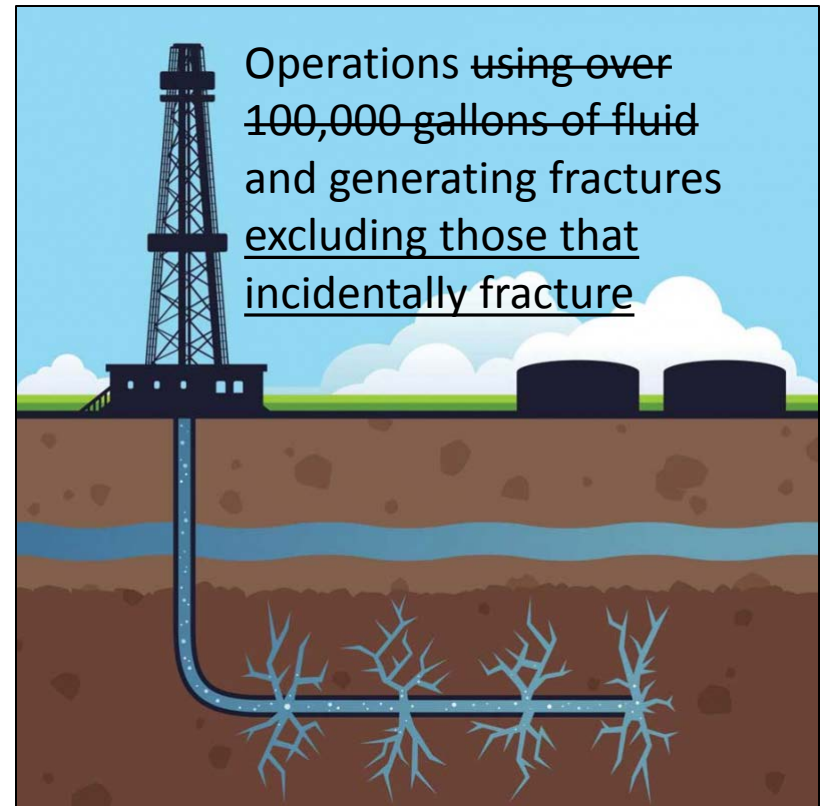


Photo from: Debatos.com



Zoning Never Addressed by State

- Local compatibility issues are not addressed by the state even if legislation were improved
 - Light, noise, traffic, proximity to residences

Estates residents alarmed by letter about possible neighborhood evacuation

BY: KELLY FARRELL

POSTED: 5:22 PM, Apr 27, 2013

TAG: florida | top stories | local | top business | environment



From: Naples Daily News



Photo from: Colorado Public Television 12



Photo from: stateimpact.npr.org

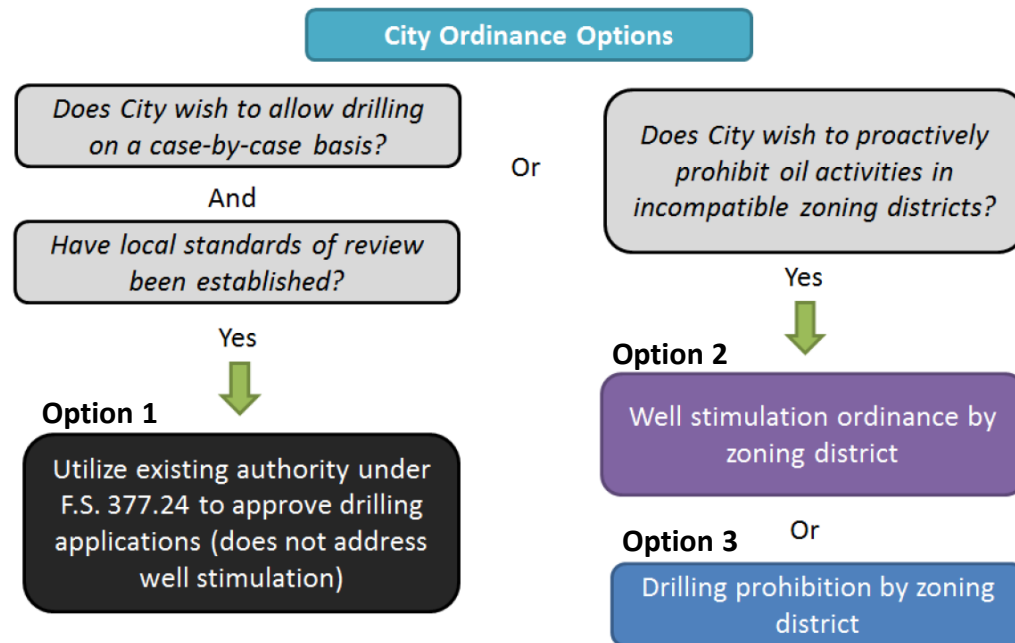


Photo from: wall street journal



Home Rule Authority

- State legislation is insufficient and does not capture compatibility
- Local municipalities have several options
 1. Use of existing authority to approve drilling applications
 2. Prohibition of well stimulation
 3. Prohibition of drilling



Option One

Use of existing authorities under Florida Statutes

- Municipalities may review each individual drilling application for compatibility
- This could place additional burden on the Village to review each individual application
- The Village would **not** receive advanced notice of proposed well stimulation.

F.S. 377.24

(6) No permit to drill a gas or oil well shall be granted at a location in the tidal waters of the state, abutting or immediately adjacent to the corporate limits of a municipality or within 3 miles of such corporate limits extending from the line of mean high tide into such waters, unless the governing authority of the municipality shall have first duly approved the application for such permit by resolution.



Option Two

Prohibition of well stimulation

- Village can adopt an ordinance to prohibit well stimulation in incompatible areas
- Conventional drilling would still be permitted
- Critical proper definition of well stimulation is used

“well stimulation” shall mean a well intervention, exploration, operation, or maintenance procedure performed by injecting fluid containing acid into a rock formation in order to increase production at an oil or gas well by improving the flow of hydrocarbons from the formation into the wellbore. Well stimulation does not include routine well cleaning that does not affect the integrity of the well or the formation.



Option Three

Prohibition of all drilling

- Village can adopt an ordinance to prohibit all drilling in incompatible areas
- Reduces burden on Village to review individual applications
- Successfully pursued in New York communities



Recommendations

- Consider local ordinance to keep oil extraction activities out of incompatible locations may be beneficial to Village.
- Monitor preemption language in state legislation. Support home rule.





CONSERVANCY
of Southwest Florida
OUR WATER, LAND, WILDLIFE, FUTURE.

**Protecting Southwest Florida's unique natural environment
and quality of life ... now and forever.**

www.conservancy.org

For more information contact Jennifer Hecker (jenniferh@conservancy.org)