

1 ENGROSSED HOUSE
2 CONCURRENT
3 RESOLUTION NO. 1012

By: Thompson of the House

and

Bingman of the Senate

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8 A Concurrent Resolution expressing support for the
9 preservation of the exemption for hydraulic
10 fracturing from the Safe Drinking Water Act; urging
Congress not to pass legislation that removes the
exemption; and directing distribution.

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13 WHEREAS, the United States Congress passed the Safe Drinking
14 Water Act to assure the protection of the nation's drinking water
15 sources; and

16 WHEREAS, since the enactment of the Safe Drinking Water Act, the
17 United States Environmental Protection Agency has never interpreted
18 hydraulic fracturing as constituting "underground injection" under
19 the Act; and

20 WHEREAS, in the case of *Legal Environmental Assistance*
21 *Foundation v. United States Environmental Protection Agency (EPA)*,
22 118 F3d 1467 (11th Cir. 1997), the United States 11th Circuit Court
23 of Appeals ruled contrary to argument of the United States
24 Environmental Protection Agency that hydraulic fracturing

1 constituted "underground injection" under the Safe Drinking Water
2 Act; and

3 WHEREAS, in 2004, the Environmental Protection Agency published
4 a final report summarizing a study to evaluate the potential threat
5 to underground sources of drinking water from hydraulic fracturing
6 of coalbed methane production wells and concluded that "additional
7 or further study is not warranted at this time . . ." and "that the
8 injection of hydraulic fracturing fluids into coalbed methane wells
9 poses minimal threat to underground sources of drinking water"; and

10 WHEREAS, the United States Congress, in the Energy Policy Act of
11 2005, explicitly exempted hydraulic fracturing from the provisions
12 of the Safe Drinking Water Act; and

13 WHEREAS, the Interstate Oil and Gas Compact Commission conducted
14 a survey of oil- and gas-producing states and found that there were
15 no known cases of groundwater contamination associated with
16 hydraulic fracturing; and

17 WHEREAS, hydraulic fracturing is currently, and has been for
18 decades, a common operation used in exploration and production by
19 the oil and gas industry in all the member states of the Interstate
20 Oil and Gas Compact Commission without groundwater damage; and

21 WHEREAS, approximately 35,000 wells are hydraulically fractured
22 annually in the United States and close to one million wells have
23 been hydraulically fractured in the United States since the
24 inception of the technique, with no known harm to groundwater; and

1 WHEREAS, the regulation of oil and gas exploration and
2 production activities, including hydraulic fracturing, has
3 traditionally been the province of the states; and

4 WHEREAS, the Safe Drinking Water Act was never intended to grant
5 to the federal government authority to regulate oil and gas drilling
6 and production operations, such as hydraulic fracturing, under the
7 Underground Injection Control program; and

8 WHEREAS, the member states of the Interstate Oil and Gas Compact
9 Commission have adopted comprehensive laws and regulations to
10 provide for safe operations and to protect the drinking water
11 sources of the nation, and have trained personnel to effectively
12 regulate oil and gas exploration and production; and

13 WHEREAS, production of coal-seam natural gas, natural gas from
14 shale formations and natural gas from tight conventional reservoirs
15 is increasingly important to domestic natural gas supply and will be
16 even more important in the future; and

17 WHEREAS, domestic production of natural gas will ensure that the
18 United States continues on the path to energy independence; and

19 WHEREAS, hydraulic fracturing plays a major role in the
20 development of virtually all unconventional oil and gas resources
21 and should not be limited in the absence of any evidence that
22 hydraulic fracturing has damaged the environment; and

23 WHEREAS, regulation of hydraulic fracturing as underground
24 injection under the Safe Drinking Water Act would impose significant

1 administrative costs on the state and substantially increase the
2 cost of drilling oil and gas wells with no resulting environmental
3 benefits; and

4 WHEREAS, the regulation of hydraulic fracturing as underground
5 injection under the Safe Drinking Water Act would increase energy
6 costs to the consumer.

7 NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES
8 OF THE 1ST SESSION OF THE 52ND OKLAHOMA LEGISLATURE, THE SENATE
9 CONCURRING THEREIN:

10 THAT the Oklahoma Legislature hereby declares its support for
11 maintaining the exemption of hydraulic fracturing from the
12 provisions of the Safe Drinking Water Act and urges the Congress of
13 the United States not to pass legislation that removes the exemption
14 for hydraulic fracturing.

15 THAT a copy of this resolution be distributed to the President
16 of the United States, the President of the United States Senate, the
17 Speaker of the United States House of Representatives, and to each
18 member of the Oklahoma Congressional Delegation.

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