

1 STATE OF OKLAHOMA

2 1st Session of the 52nd Legislature (2009)

3 HOUSE CONCURRENT
4 RESOLUTION 1012

By: Thompson of the House

5 and

6 Bingman of the Senate

7
8 AS INTRODUCED

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

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

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

22 WHEREAS, in the case of *Legal Environmental Assistance*
23 *Foundation v. United States Environmental Protection Agency (EPA)*,
24 118 F3d 1467 (11th Cir. 1997), the United States 11th Circuit Court

1 of Appeals ruled contrary to argument of the United States
2 Environmental Protection Agency that hydraulic fracturing
3 constituted "underground injection" under the Safe Drinking Water
4 Act; and

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

12 WHEREAS, the United States Congress, in the Energy Policy Act of
13 2005, explicitly exempted hydraulic fracturing from the provisions
14 of the Safe Drinking Water Act; and

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

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

23 WHEREAS, approximately 35,000 wells are hydraulically fractured
24 annually in the United States and close to one million wells have

1 | been hydraulically fractured in the United States since the
2 | inception of the technique, with no known harm to groundwater; and

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

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

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

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

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

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

1 WHEREAS, regulation of hydraulic fracturing as underground
2 injection under the Safe Drinking Water Act would impose significant
3 administrative costs on the state and substantially increase the
4 cost of drilling oil and gas wells with no resulting environmental
5 benefits; and

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

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

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

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

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22 52-1-7241 KB 03/02/09

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