

SENATE JOINT RESOLUTION NO. SJ0005

Hydraulic fracturing.

Sponsored by: Senator(s) Bebout, Anderson, J., Cooper,
Hines, Martin and Vasey and
Representative(s) Anderson, R., Cohee,
Craft, Illoway, Lockhart, Lubnau, Meyer,
Miller and Pedersen

A Bill

for

1 A JOINT RESOLUTION requesting Congress to preserve the
2 exemption of hydraulic fracturing in the Safe Drinking
3 Water Act and to not pass any future legislation which
4 would remove the exemption.

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6 WHEREAS, the United States Congress passed the Safe
7 Drinking Water Act, 42 U.S.C § 300h (SDWA) to assure the
8 protection of the nation's drinking water sources; and

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10 WHEREAS, since the enactment of the SDWA, the United States
11 Environmental Protection Agency (EPA) had never interpreted
12 hydraulic fracturing as constituting "underground
13 injection" within the SWDA; and

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1 WHEREAS, the United States 11th Circuit Court of Appeals
2 ruled contrary to argument of the EPA that hydraulic
3 fracturing constituted "underground injection" under the
4 SDWA. Legal Environmental Assistance Foundation v. United
5 States Environmental Protection Agency, 118 F3d 1467 (11th
6 Cir. 1997); and

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8 WHEREAS, in 2004, the EPA published a final report
9 summarizing a study to evaluate the potential threat to
10 underground sources of drinking water (USDWs) from
11 hydraulic fracturing of coalbed methane (CBM) production
12 wells and concluded that "additional or further study is
13 not warranted at this time..." and that "the injection of
14 hydraulic fracturing fluids into CBM wells poses minimal
15 threat to USDWs."; and

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17 WHEREAS, the United States Congress, in the Energy Policy
18 Act of 2005, explicitly exempted hydraulic fracturing from
19 the provisions of the SDWA; and

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21 WHEREAS, the Interstate Oil and Gas Compact Commission
22 (IOGCC) conducted a survey of oil and gas producing states
23 and found that there were no known cases of ground water
24 contamination associated with hydraulic fracturing; and

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2 WHEREAS, hydraulic fracturing is currently, and has been
3 for decades, a common operation used in exploration and
4 production by the oil and gas industry in all the member
5 states of the IOGCC without groundwater damage; and

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7 WHEREAS, approximately thirty-five thousand (35,000) wells
8 are hydraulically fractured annually in the United States
9 and nearly one million (1,000,000) wells have been
10 hydraulically fractured in the United States since the
11 technique's inception, with no known harm to groundwater;
12 and

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14 WHEREAS, the regulation of oil and gas exploration and
15 production activities, including hydraulic fracturing, has
16 traditionally been the province of the states; and

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18 WHEREAS, the SWDA was never intended to grant to the
19 federal government authority to regulate oil and gas
20 drilling and production operations, such as "hydraulic
21 fracturing", under the Underground Injection Control
22 program; and

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1 WHEREAS, the member states of the IOGCC have adopted
2 comprehensive laws and regulations to provide for safe
3 operations and to protect the nation's drinking water
4 sources, and have trained personnel to effectively regulate
5 oil and gas exploration and production; and

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7 WHEREAS, production of coal seam natural gas, natural gas
8 from shale formations and natural gas from tight
9 conventional reservoirs is increasingly important to
10 domestic natural gas supply and will be more important in
11 the future; and

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

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

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23 WHEREAS, regulation of hydraulic fracturing as underground
24 injection under the SDWA would impose significant

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

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5 WHEREAS, regulation of hydraulic fracturing as underground
6 injection under the SDWA would increase energy costs to the
7 consumer.

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9 *NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE*
10 *LEGISLATURE OF THE STATE OF WYOMING:*

11

12 **Section 1.** That the Wyoming State Legislature hereby
13 declares its support for maintaining the exemption of
14 hydraulic fracturing from the provisions of the SDWA and
15 urges the Congress of the United States not to pass
16 legislation that would remove the exemption for hydraulic
17 fracturing.

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1 **Section 2.** That the Secretary of State of Wyoming
2 transmit copies of this resolution to the President of the
3 United States, to the President of the Senate and the
4 Speaker of the House of Representatives of the United
5 States Congress and to the Wyoming Congressional
6 Delegation.

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(END)