

1 **HYDRAULIC FRACTURING JOINT**

2 **RESOLUTION**

3 2009 GENERAL SESSION

4 STATE OF UTAH

5 **Chief Sponsor: David P. Hinkins**

6 House Sponsor: Michael E. Noel

7

8 **LONG TITLE**

9 **General Description:**

10 This joint resolution of the Legislature urges Congress to preserve the exemption for
11 hydraulic fracturing in the Safe Drinking Water Act and to refrain from passing
12 legislation that would remove the hydraulic fracturing exemption.

13 **Highlighted Provisions:**

14 This resolution:

- 15 ▶ expresses support for maintaining the exemption of hydraulic fracturing from the
- 16 provisions of the Safe Drinking Water Act; and
- 17 ▶ urges Congress to refrain from passing legislation that would remove the exemption
- 18 for hydraulic fracturing.

19 **Special Clauses:**

20 None

21

22 *Be it resolved by the Legislature of the state of Utah:*

23 WHEREAS, the United States Congress passed the Safe Drinking Water Act (Act) to
24 assure the protection of the nation's drinking water sources;

25 WHEREAS, since the enactment of the Act, the Environmental Protection Agency
26 (EPA) has never interpreted hydraulic fracturing as constituting "underground injection"
27 within the Act;

28 WHEREAS, in 2004, the EPA published a final report summarizing a study to evaluate
29 the potential threat to underground sources of drinking water from hydraulic fracturing of coal

30 bed methane production wells and the EPA concluded that "additional or further study is not
31 warranted at this time . . ." and "that the injection of hydraulic fracturing fluids into coal bed
32 methane wells poses minimal threat" to underground sources of drinking water;

33 WHEREAS, in the Energy Policy Act of 2005, the United States Congress explicitly
34 exempted hydraulic fracturing from the provisions of the Act;

35 WHEREAS, the Interstate Oil and Gas Compact Commission (IOGCC) conducted a
36 survey of oil and gas producing states which found that there were no known cases of
37 groundwater contamination associated with hydraulic fracturing;

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

41 WHEREAS, approximately 35,000 wells are hydraulically fractured in the United
42 States annually, and close to 1,000,000 wells have been hydraulically fractured in the United
43 States since the technique's inception, with no known harm to groundwater;

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

46 WHEREAS, the Act was never intended to grant to the federal government authority to
47 regulate oil and gas drilling and production operations, such as "hydraulic fracturing," under
48 the Underground Injection Control program;

49 WHEREAS, the member states of the IOGCC have adopted comprehensive laws and
50 regulations to provide safe operations and to protect the nation's drinking water sources, and
51 have trained personnel to effectively regulate oil and gas exploration and production;

52 WHEREAS, production of coal seam natural gas, natural gas from shale formations,
53 and natural gas from tight conventional reservoirs is increasingly important to our domestic
54 natural gas supply and will be even more important in the future;

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

57 WHEREAS, hydraulic fracturing plays a major role in the development of virtually all

58 unconventional oil and gas resources and, in the absence of any evidence that such fracturing
59 has damaged the environment, should not be limited;

60 WHEREAS, regulation of hydraulic fracturing as underground injection under the Act
61 would impose significant administrative costs on the state and substantially increase the cost
62 of drilling oil and gas wells with no resulting environmental benefits; and

63 WHEREAS, regulation of hydraulic fracturing as underground injection under the Act
64 would increase energy costs to the consumer:

65 NOW, THEREFORE, BE IT RESOLVED that the Legislature of the state of Utah
66 expresses support for maintaining the exemption of hydraulic fracturing in the Safe Drinking
67 Water Act and urges the United States Congress to refrain from passing legislation that would
68 remove the exemption for hydraulic fracturing.

69 BE IT FURTHER RESOLVED that a copy of this resolution be sent to the President of
70 the United States, the Majority Leader of the United States Senate, the Speaker of the United
71 States House of Representatives, and to the members of Utah's congressional delegation.