

SENATE JOINT RESOLUTION NO. 14

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SIXTH LEGISLATURE - FIRST SESSION

BY SENATORS THERRIAULT, Wagoner, Dyson, Bunde, Menard

Introduced: 3/13/09

Referred: Resources

A RESOLUTION

1 **Urging Congress not to remove the exemption for hydraulic fracturing from the**
2 **provisions of the Safe Drinking Water Act.**

3 **BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

4 **WHEREAS** the United States Congress passed the Safe Drinking Water Act (42
5 U.S.C. 300h) to ensure the protection of the nation's drinking water resources; and

6 **WHEREAS**, after the enactment of the Safe Drinking Water Act, the Environmental
7 Protection Agency never interpreted hydraulic fracturing as constituting "underground
8 injection" under the Safe Drinking Water Act; and

9 **WHEREAS** the United States Court of Appeals for the Eleventh Circuit held, in
10 Legal Environmental Assistance Foundation v. United States Environmental Protection
11 Agency, 118 F.3d 1467 (11th Cir. 1997), that hydraulic fracturing constituted "underground
12 injection" under the Safe Drinking Water Act; and

13 **WHEREAS**, in 2004, the Environmental Protection Agency published a final report
14 that summarized a study evaluating the potential threat to underground sources of drinking
15 water from hydraulic fracturing of coalbed methane production wells that concluded that
16 "additional or further study is not warranted at this time" and that "the injection of hydraulic

1 fracturing fluids into [coal bed methane] wells poses minimal threat to [underground sources
2 of drinking water]"; and

3 **WHEREAS** the United States Congress, in the federal Energy Policy Act of 2005,
4 explicitly exempted hydraulic fracturing from the provisions of the Safe Drinking Water Act;
5 and

6 **WHEREAS** the Interstate Oil and Gas Compact Commission conducted a survey of
7 oil and gas producing states that found no known cases of groundwater contamination
8 associated with hydraulic fracturing; and

9 **WHEREAS** hydraulic fracturing is now, and has been for decades, a common method
10 used by the oil and gas industry in all of the member states of the Interstate Oil and Gas
11 Compact Commission in exploration and production activities, without causing groundwater
12 damage; and

13 **WHEREAS**, each year, approximately 35,000 wells are hydraulically fractured in the
14 United States and, since the technique's inception, close to 1,000,000 wells have been
15 hydraulically fractured in the United States, with no known harm to groundwater; and

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

18 **WHEREAS** the Safe Drinking Water Act was never intended to grant to the federal
19 government authority to regulate oil and gas drilling and production operations such as
20 hydraulic fracturing under the Underground Injection Control program; and

21 **WHEREAS** the member states of the Interstate Oil and Gas Compact Commission
22 have adopted comprehensive laws and regulations to protect the nation's drinking water
23 resources and have trained personnel to effectively regulate oil and gas exploration and
24 production; and

25 **WHEREAS** production of coal seam natural gas, natural gas from shale formations,
26 and natural gas from tight conventional reservoirs is increasingly important to the domestic
27 natural gas supply and will be even more important in the future; and

28 **WHEREAS** regulation of hydraulic fracturing under the Safe Drinking Water Act on
29 Alaska's North Slope or in Cook Inlet is unwarranted because these areas do not serve as
30 sources of underground potable water; and

31 **WHEREAS** hydraulic fracturing plays a major role in the development of oil and gas

1 resources and, thus, in the absence of evidence that such fracturing has damaged the
2 environment, should not be limited; and

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

7 **WHEREAS** regulation of hydraulic fracturing as a category of underground injection
8 under the Safe Drinking Water Act will increase energy costs to the consumer;

9 **BE IT RESOLVED** that the Alaska State Legislature hereby declares its support for
10 maintaining the exemption of hydraulic fracturing from the provisions of the Safe Drinking
11 Water Act and urges the United States Congress not to pass legislation that will remove the
12 exemption for hydraulic fracturing.

13 **COPIES** of this resolution shall be sent to the Honorable Barack Obama, President of
14 the United States; the Honorable Joseph R. Biden, Jr., Vice-President of the United States and
15 President of the U.S. Senate; and the Honorable Lisa Murkowski and the Honorable Mark
16 Begich, U.S. Senators, and the Honorable Don Young, U.S. Representative, members of the
17 Alaska delegation in Congress.