



INTERSTATE  
**Oil & Gas**  
COMPACT COMMISSION

P.O. Box 53127 Oklahoma City, Oklahoma 73152-3127

900 N.E. 23rd Street Oklahoma City, Oklahoma 73105

Phone: 405.525.3556 Fax: 405.525.3592 Web: [www.iogcc.state.ok.us](http://www.iogcc.state.ok.us)

Alabama

July 1, 2010

Alaska

The Honorable Jeff Bingaman  
Chairman

Arizona

U.S. Senate Committee on Energy & Natural Resources  
304 Dirksen Senate Building  
Washington, DC 20510

Arkansas

California

Colorado

The Honorable Henry A. Waxman  
Chairman

Florida

U.S. Committee on Energy and Commerce  
2125 Rayburn House Office Building  
Washington, DC 20515

Illinois

Indiana

Dear Chairmen Bingaman and Waxman:

Kansas

We are writing on behalf of the governors of the 30 member states and 8 associate member states of the Interstate Oil and Gas Compact Commission (IOGCC). Our member states account for virtually all of our nation's onshore production of crude oil and natural gas. Our states are the primary regulators of oil and natural gas exploration and development on public and private lands in the United States with the goal of protecting human health and the environment always in the forefront. A crucial component of that job is protecting the ground and surface waters during oil and natural gas exploration and production activities.

Kentucky

Louisiana

Maryland

Michigan

Mississippi

The purpose of this letter is to provide you with a copy of IOGCC Resolution 09.011 clearly enunciating the position of the IOGCC and its member states on the issue of hydraulic fracturing. The IOGCC is concerned that some in Congress may attempt to repeal language in Section 322 of the Energy Policy Act of 2005 (EPACT 2005), which affirms state regulatory jurisdiction.

Montana

Nebraska

Hydraulic fracturing is an important part of completing a huge percentage of the oil and gas wells drilled in the United States every year. Each member state of the IOGCC handles hydraulic fracturing on a state by state basis. State regulators have been protecting our nation's drinking water for over 60 years and in some instances over 80 years. It is a proven and safe technology that makes wells more productive. Without hydraulic fracturing the United States would be producing a fraction of the oil and natural gas it is currently producing and would be even more dependent on foreign energy sources. The ability of producers to hydraulically fracture their wells is critically important to this country's ability to maximize the amount of oil and natural gas we produce domestically to supply our critical domestic needs. In the decades during which this technique has been employed by industry under the supervision of state regulators, it has proven to be an extremely safe and environmentally benign technology.

Nevada

New Mexico

New York

North Dakota

Ohio

Oklahoma

Pennsylvania

The IOGCC and its member states oppose repeal of Section 322 of EPACT 2005 because repeal would not, as some contend, result in cleaner drinking water in the United States. Regulations already exist in every state that produces oil and natural gas to protect ground water from all oil and natural gas drilling activity, including hydraulic fracturing. Additional regulation at the national level would not result in cleaner water but merely increase operating costs and regulatory uncertainty. IOGCC surveys conducted in 2002 and 2008 along with an extensive EPA study in 2004 found no contamination of drinking water wells by hydraulic fracturing (the EPA study was

South Dakota

Texas

Utah

Virginia

West Virginia

Wyoming

COLLECTIVELY REPRESENTING THE STATES

focused on the hydraulic fracturing of coal bed methane wells since such wells are traditionally closer to underground sources of drinking water than are other oil and natural gas wells).

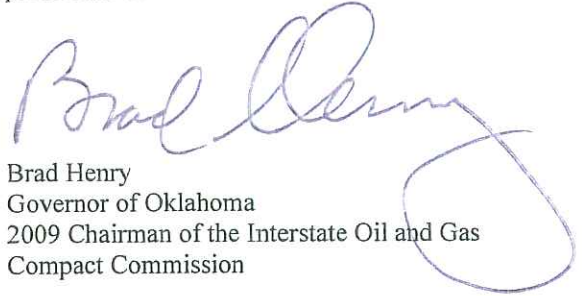
Should you have any additional questions or concerns regarding the safety of hydraulic fracturing in the United States, I have provided a list containing the names and telephone numbers of the oil and natural gas regulators in all of the IOGCC's member states. I would encourage you to call your state's regulator if your state is on the list or if your state is not, any other regulator on the list. As the states' on-the-ground experts on oil and natural gas development, they understand hydraulic fracturing as well as anyone and can share with you their personal experience as to the safety of hydraulic fracturing.

Please do not hesitate to contact Executive Director Mike Smith at (405)525-3556 should you have any additional questions regarding the hydraulic fracturing process or states' efforts to protect the environment.

Sincerely,



Rick Perry  
Governor of Texas  
Chairman of the Interstate Oil and Gas  
Compact Commission



Brad Henry  
Governor of Oklahoma  
2009 Chairman of the Interstate Oil and Gas  
Compact Commission

cc: IOGCC Member Governors

Enclosure: IOGCC Resolution 09.111





## RESOLUTION 09.011

### Urging Congress Not To Remove Exemption Of Hydraulic Fracturing From Provisions Of The Safe Drinking Water Act

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

**WHEREAS**, since the enactment of the SDWA, the EPA had never interpreted hydraulic fracturing as constituting “underground injection” within the SDWA; and,

**WHEREAS**, the United States 11th Circuit Court of Appeals ruled that hydraulic fracturing constituted “underground injection” under the SDWA (Legal Environmental Assistance Foundation v. United States Environmental Protection Agency (EPA), 118 F3d 1467 (11<sup>th</sup> Cir. 1997)); and,

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

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

**WHEREAS**, the IOGCC conducted a survey of oil and gas producing states which found that there were no known cases of ground water contamination associated with hydraulic fracturing; and,

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

**WHEREAS**, approximately 35,000 wells are hydraulically fractured annually in the United States and close to one million wells have been hydraulically fractured in the United States since the technique’s inception, with no known harm to groundwater; and,

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



**WHEREAS**, the SDWA was never intended to grant to the federal government authority to regulate oil and gas drilling and production operations, such as “hydraulic fracturing,” under the Underground Injection Control program; and,

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

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

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

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

**WHEREAS**, regulation of hydraulic fracturing as underground injection under the SDWA would increase energy costs to the consumer,

**NOW, THEREFORE, BE IT RESOLVED**, the IOGCC hereby declares its support for maintaining the exemption of hydraulic fracturing from the provisions of the SDWA and urges the Congress of the United States to not pass legislation that removes the exemption for hydraulic fracturing.


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## Resolution to Retain State Authority over Hydraulic Fracturing

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### Resolution to Retain State Authority over Hydraulic Fracturing

**WHEREAS**, Hydraulic fracturing is a proven technology with a long history of environmentally safe use in the completion of oil and gas wells; *and*

**WHEREAS**, The oil and gas producing States regulate hydraulic fracturing as a component of their regulatory problems for the drilling, completion, operation, and plugging of oil and gas wells; *and*

**WHEREAS**, The reservoirs that produce oil and gas are highly variable geologically and separated geographically across the oil and gas producing States such that State regulatory agencies are best suited by local expertise and experience to effectively regulate hydraulic fracturing; *and*

**WHEREAS**, State regulatory agencies are the most appropriate regulatory bodies to provide oversight and protection of hydrologically and environmentally sensitive localities as they relate to hydraulic fracturing; *and*

**WHEREAS**, The regulation of hydraulic fracturing under the Federal Safe Drinking Water Act would add burdensome and unnecessary regulatory requirements to the drilling and completion of oil and gas wells, thereby increasing costs of producing domestic natural gas resources without any ancillary benefit to public health, safety or the environment; *and*

**WHEREAS**, The increased cost of producing domestic natural gas resources will reduce domestic supplies of natural gas, increase utility prices, and other costs to consumers, reduce tax and royalty revenues for local, State, and federal governments; and increase the nation's dependence on foreign energy imports; *and*

**WHEREAS**, The Interstate Oil and Gas Compact Commission (IOGCC) conducted a survey of oil and gas producing States, which found that there were no known cases of ground water contamination associated with hydraulic fracturing, and set forth its opposition to federal regulation of hydraulic fracturing under the underground injection control program in Resolution 09.011, dated January 7, 2009, "Urging Congress Not to Remove Exemption of Hydraulic Fracturing from Provisions of the Safe Drinking Water Act;"; *and*

**WHEREAS**, the states' public utility commissioners represented by The National Association of Regulatory Utility Commissioners adopted a similar resolution in July 2009;

**NOW, THEREFORE BE IT RESOLVED**, That the American Legislative Exchange Council supports continued jurisdiction of the States to conserve and properly regulate oil and gas production in their unique geological and geographical circumstances.

*Approved by the ALEC Board of Directors in 2009.*

Reapproved by the ALEC Board of Directors January 9, 2015.

**Keyword Tags:** [2014 SNPS](#), [Energy Environment and Agriculture Task Force](#), [Fracking](#), [Hydraulic Fracturing](#), [Natural Gas](#), [state sovereignty](#)

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**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.

Rep(s). By Representatives Allen, Buskey, Guin, Scott, McClurkin, Mask and Harper

HJR254

ENROLLED, House Joint Resolution,

REQUESTING CONGRESS TO PRESERVE THE PRIMACY OF THE STATE OIL AND GAS BOARD OF ALABAMA TO REGULATE HYDRAULIC FRACTURING IN COMPLIANCE WITH DECADES OLD STATE REGULATIONS AND NOT TO ENACT ANY FUTURE LEGISLATION THAT WOULD REMOVE THIS PRIMACY.

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

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

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

WHEREAS, Alabama was a pioneer in both the development of coal seam natural gas and the hydraulic fracturing technology necessary to make production economic; and

WHEREAS, coal seam gas now accounts for about 40 percent of all natural gas produced in Alabama because of successful implementation of hydraulic fracturing; and

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

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

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

WHEREAS, since the enactment of the SDWA, the United States Environmental Protection Agency (EPA) has never interpreted hydraulic fracturing as constituting "underground injection" within the SDWA; and

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

WHEREAS, the United States Congress, in the Energy Policy Act of 2005, explicitly exempted

hydraulic fracturing from the provisions of the SDWA; and

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

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

WHEREAS, the SDWA has never intended to grant to the federal government authority to regulate oil and gas drilling and production operations, such as "hydraulic fracturing," under the Underground Injection Control Program; and

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

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

WHEREAS, the United States Department of Energy recently studied the impacts of subjecting hydraulic fracturing to the EPA Underground Injection Control Program and projected it would add an average of more than \$100,000 in costs to each new natural gas well requiring fracturing, resulting in billions of dollars in deferred investment, reductions of 35 percent to 50 percent in new drilling for unconventional natural gas, foregone reserve additions of as much as 50 trillion cubic feet of natural gas, and foregone royalties from gas of nearly 50 billion dollars over 25 years; and

WHEREAS, regulation of hydraulic fracturing as underground injection under the SDWA would increase energy costs to the consumer; now therefore,

**BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING,** That the Alabama Legislature hereby declares its support for the State Oil and Gas Board of Alabama maintaining primacy for the regulation of hydraulic fracturing and urges the Congress of the United States not to pass legislation that would remove state primacy for hydraulic fracturing by regulating the practice under the Safe Drinking Water Act.

**BE IT FURTHER RESOLVED,** That copies of this resolution be sent forthwith to the President of the United States, to the President of the Senate, and the Speaker of the House of Representatives of the United States Congress and to the members of the Alabama Congressional Delegation.





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

4           WHEREAS, approximately thirty-five thousand wells are hydraulically fractured in  
5 the United  
6 States annually, and close to a million wells have been hydraulically fractured in the United  
7 States since the technique's inception, all with no known harm to groundwater; and

8           WHEREAS, the regulation of oil and gas exploration and production activities,  
9 including hydraulic fracturing, has traditionally been the responsibility of the states and the  
10 Safe Drinking Water Act was never intended to grant to the federal government authority  
11 to regulate oil and gas drilling and production operations, such as "hydraulic fracturing",  
12 which is regulated under the Underground Injection Control program; and

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

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

20           WHEREAS, continued and expanded domestic production of natural gas will help  
21 ensure that the United States continues on the path to energy independence; and

22           WHEREAS, hydraulic fracturing plays a major role in the development of virtually  
23 all unconventional oil and gas resources and regulation of hydraulic fracturing as  
24 underground injection under the Safe Drinking Water Act would impose significant  
25 administrative costs on the states and substantially increase the cost of drilling oil and gas  
26 wells with no resulting environmental benefits; and

27           WHEREAS, in addition to increasing the costs both to the producers of oil and gas  
28 resources and the states for regulation of hydraulic fracturing as underground injection under  
29 the SDWA, the costs to the consumer would also increase if hydraulic fracturing was limited  
30 or prohibited.

1           THEREFORE, BE IT RESOLVED that the Legislature of Louisiana does hereby  
2 memorialize the United States Congress to take such actions as are necessary to preserve and  
3 maintain the exemption from the Safe Drinking Water Act for hydraulic fracturing.

4           BE IT FURTHER RESOLVED that a copy of this Resolution be transmitted to the  
5 presiding officers of the Senate and the House of Representatives of the Congress of the  
6 United States of America and to each member of the Louisiana congressional delegation.

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DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

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Harrison

HCR No. 38

Memorializes congress to take such actions as are necessary to preserve and maintain the exemption from the Safe Drinking Water Act for hydraulic fracturing.

By: Senator(s) Moffatt, Dearing, Mettetal,  
King, Jackson (11th), Jordan, Butler

To: Rules

## SENATE CONCURRENT RESOLUTION NO. 636

1 A CONCURRENT RESOLUTION REQUESTING UNITED STATES CONGRESS TO  
2 PRESERVE THE PRIMACY OF THE STATE OIL AND GAS BOARD OF MISSISSIPPI  
3 TO REGULATE HYDRAULIC FRACTURING IN COMPLIANCE WITH DECADES OLD  
4 STATE REGULATIONS AND NOT TO ENACT ANY FUTURE LEGISLATION THAT  
5 WOULD REMOVE THIS PRIMACY.

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

9 WHEREAS, approximately 35,000 wells are hydraulically  
10 fractured annually in the United States and nearly 1,000,000 wells  
11 have been hydraulically fractured in the United States since the  
12 technique's inception, with no known harm to groundwater; and

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

17 WHEREAS, Mississippi has been a pioneer in both the  
18 development of coal seam natural gas and the hydraulic fracturing  
19 technology necessary to make production economic; and

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

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



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

30           WHEREAS, since the enactment of the SDWA, the United States  
31 Environmental Protection Agency (EPA) has never interpreted  
32 hydraulic fracturing as constituting "underground injection"  
33 within the SDWA; and

34           WHEREAS, in 2004, the EPA published a final report  
35 summarizing a study to evaluate the potential threat to  
36 underground sources of drinking water (USDWs) from hydraulic  
37 fracturing of coalbed methane (CBM) production wells and concluded  
38 that "additional or further study is not warranted at this time"  
39 and that "the injection of hydraulic fracturing fluids into CBM  
40 wells poses minimal threat to USDWs"; and

41           WHEREAS, the United States Congress, in the Energy Policy Act  
42 of 2005, explicitly exempted hydraulic fracturing from the  
43 provisions of the SDWA; and

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

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

52           WHEREAS, the SDWA has never intended to grant to the federal  
53 government authority to regulate oil and gas drilling and  
54 production operations, such as "hydraulic fracturing," under the  
55 Underground Injection Control Program; and

56           WHEREAS, the member states of the IOGCC have adopted  
57 comprehensive laws and regulations to provide for safe operations  
58 and to protect the nation's drinking water sources, and have





59 trained personnel to effectively regulate oil and gas exploration  
60 and production; and

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

65 WHEREAS, the United States Department of Energy recently  
66 studied the impacts of subjecting hydraulic fracturing to the EPA  
67 Underground Injection Control Program and projected it would add  
68 an average of more than \$100,000 in costs to each new natural gas  
69 well requiring fracturing, resulting in billions of dollars in  
70 deferred investment, reductions of 35% to 50% in new drilling for  
71 unconventional natural gas, foregone reserve additions of as much  
72 as 50 trillion cubic feet of natural gas, and foregone royalties  
73 from gas of nearly \$50 Billion over 25 years; and

74 WHEREAS, regulation of hydraulic fracturing as underground  
75 injection under the SDWA would increase energy costs to the  
76 consumer:

77 NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF  
78 MISSISSIPPI, THE HOUSE OF REPRESENTATIVES CONCURRING THEREIN, That  
79 the Legislature hereby declares its support for the State Oil and  
80 Gas Board of Mississippi maintaining primacy for the regulation of  
81 hydraulic fracturing and urges the Congress of the United States  
82 not to pass legislation that would remove state primacy for  
83 hydraulic fracturing by regulating the practice under the Safe  
84 Drinking Water Act.

85 BE IT FURTHER RESOLVED, That copies of this resolution be  
86 sent forthwith to the President of the United States, to the  
87 President of the Senate, and the Speaker of the House of  
88 Representatives of the United States Congress and to the members  
89 of the Mississippi Congressional Delegation, and be made available  
90 to the Capitol Press Corps.



**SENATE CONCURRENT RESOLUTION NO. 4020**

Introduced by

Senators O'Connell, Grindberg, Wardner

Representatives Berg, S. Meyer, Skarphol

1 A concurrent resolution urging Congress to preserve the exemption of hydraulic fracturing from  
2 the provisions of the Safe Drinking Water Act and to not enact legislation that removes the  
3 exemption for hydraulic fracturing.

4 **WHEREAS**, Congress enacted the Safe Drinking Water Act to ensure the protection of  
5 the nation's drinking water sources; and

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

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

15 **WHEREAS**, Congress, in the Energy Policy Act of 2004, explicitly exempted hydraulic  
16 fracturing from the provisions of the Safe Drinking Water Act; and

17 **WHEREAS**, the Interstate Oil and Gas Compact Commission conducted a survey of  
18 North Dakota and other oil and gas-producing states which found that there were no known  
19 cases of ground water contamination associated with hydraulic fracturing; and

20 **WHEREAS**, hydraulic fracturing is currently, and has been for decades, a common  
21 operation used in exploration and production by the oil and gas industry in North Dakota and all  
22 the member states of the Interstate Oil and Gas Compact Commission; and

23 **WHEREAS**, approximately 35,000 wells are hydraulically fractured annually in the  
24 United States, and close to one million wells have been hydraulically fractured in the United  
25 States since the technique's inception, with no known harm to ground water; and

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

3           **WHEREAS**, the success of the Bakken Formation and development of domestic oil and  
4 gas resources across the United States has been revitalized by technological advancements  
5 which include the ability to fracture and stimulate challenging geological formations, such as the  
6 Bakken Formation in North Dakota, and thus should not be limited in the absence of any  
7 evidence that such fracturing has damaged the environment; and

8           **WHEREAS**, the Safe Drinking Water Act was never intended to grant to the federal  
9 government authority to regulate oil and gas drilling and production operations, such as  
10 "hydraulic fracturing," under the underground injection control program; and

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

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

17           **WHEREAS**, regulation of hydraulic fracturing as underground injection under the Safe  
18 Drinking Water Act would impose significant administrative costs on the state, substantially  
19 increase the cost of drilling oil and gas wells, and potentially stop the development of our state's  
20 valuable natural resources, including the Bakken and other formations with no resulting  
21 environmental benefits; and

22           **WHEREAS**, regulation of hydraulic fracturing as underground injection under the Safe  
23 Drinking Water Act would increase energy costs to the consumer;

24           **NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF NORTH DAKOTA, THE**  
25 **HOUSE OF REPRESENTATIVES CONCURRING THEREIN:**

26           That the Sixty-first Legislative Assembly urges the Congress of the United States to  
27 preserve the exemption of hydraulic fracturing from the provisions of the Safe Drinking Water  
28 Act and urges the Congress of the United States not to enact legislation that removes the  
29 exemption for hydraulic fracturing; and

30           **BE IT FURTHER RESOLVED**, that the Secretary of State forward copies of this  
31 resolution to the President of the United States, to the President of the Senate and the Speaker

Sixty-first  
Legislative Assembly

- 1 of the House of Representatives of the United States, and to each member of the North Dakota
- 2 Congressional Delegation.



ENROLLED HOUSE  
CONCURRENT  
RESOLUTION NO. 1012

By: Thompson of the House

and

Bingman, Adelson, Aldridge, Anderson,  
Ballenger, Barrington, Bass,  
Branan, Brogdon, Brown, Burrage,  
Coates, Coffee, Corn, Crain,  
Crutchfield, Easley, Eason  
McIntyre, Ellis, Ford, Garrison,  
Gumm, Halligan, Ivester, Johnson  
(Constance), Johnson (Mike),  
Jolley, Justice, Lamb, Laster,  
Leftwich, Lerblance, Marlatt,  
Mazzei, Myers, Newberry, Nichols,  
Paddack, Reynolds, Rice, Russell,  
Schulz, Sparks, Stanislowski,  
Sweeden, Sykes, Wilson and Wyrick  
of the Senate

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

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

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

the Act; and

WHEREAS, in the case of *Legal Environmental Assistance Foundation v. United States Environmental Protection Agency (EPA)*, 118 F3d 1467 (11th Cir. 1997), the United States 11th Circuit Court of Appeals ruled contrary to argument of the United States Environmental Protection Agency that hydraulic fracturing constituted "underground injection" under the Safe Drinking Water Act; and

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

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

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

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

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

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

WHEREAS, the Safe Drinking Water Act was never intended to grant to the federal government authority to regulate oil and gas drilling

and production operations, such as hydraulic fracturing, under the Underground Injection Control program; and

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

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

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

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

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

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

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

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

THAT a copy of this resolution be distributed to the President

of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, and to each member of the Oklahoma Congressional Delegation.

Adopted by the House of Representatives the <9th> day of <March>, 2009.

Presiding Officer of the House of  
Representatives

Adopted by the Senate the 14th day of April, 2009.

Presiding Officer of the Senate



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

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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

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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.

81R7105 CBE-D

By: Farabee

H.C.R. No. 67

## CONCURRENT RESOLUTION

WHEREAS, The oil industry in Texas dates back to the late 19th century, and the natural gas industry has been a significant part of the state's economy since the middle of the 20th century; today, Texas is the second-highest oil producing state in the country and the leading producer of natural gas; during Fiscal Year 2008, Texas producers employed more than 200,000 people and paid more than \$5 billion in taxes and fees to the state's general revenue fund; and

WHEREAS, The regulation of oil and gas exploration and production activities has traditionally been within the purview of the states; the Texas Legislature passed its first regulatory statute for oil in 1899, and the industries have since been regulated by the Railroad Commission of Texas in coordination with the Interstate Oil and Gas Compact Commission (IOGCC); and

WHEREAS, In recent years, however, the congress has considered legislation to augment the 1974 Safe Drinking Water Act (SDWA) and grant authority to the federal government to regulate oil and gas drilling and production operations; in particular, lawmakers have focused on a natural gas drilling technique called hydraulic fracturing, which is used to extract natural gas from deep rock much faster than would otherwise be possible; implemented in the late 1940s, the technology has become a standard method for improving efficiency; and

WHEREAS, Hydraulic fracturing is not covered by the SDWA, and the congress clarified this in the Energy Policy Act of 2005, which specifically exempts the technology from regulation under the SDWA and preserves the state regulatory system; hydraulic fracturing has been regulated by states for more than 50 years, and in 2002 the IOGCC surveyed oil and gas producing states and found that there were no known cases of groundwater contamination associated with hydraulic fracturing; and

WHEREAS, Domestic energy development is vital to the energy security of the United States, and the application of hydraulic fracturing techniques is estimated to have added more than 7 billion barrels of oil and 600 trillion cubic feet of natural gas to the nation's energy needs; hydraulic fracturing in the Barnett Shale of Texas alone has contributed to the production of more than four trillion cubic feet of natural gas; and

WHEREAS, The current approach to regulating hydraulic fracturing has effectively protected groundwater and drinking water sources from impacts related to oil and gas exploration and production activities; more restrictive regulation, which may not increase the protection of underground drinking water, could harm the supply of oil and natural gas at a time when the country requires more domestic energy production than ever before; now, therefore, be it

RESOLVED, That the 81st Legislature of the State of Texas hereby respectfully urge the United States Congress to maintain state regulatory coverage of hydraulic fracturing; and, be it further

RESOLVED, That the Texas secretary of state forward official copies of this resolution to the president of the United States, the speaker of the house of representatives and the president of the senate of the United States Congress, and to all the members of the Texas delegation to the congress with the request that this resolution be officially entered in the Congressional Record as a

memorial to the Congress of the United States of America.

## 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.

5

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

9

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

14

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

7

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

16

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

20

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

1

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

6

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

13

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

17

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

23



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

6

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

12

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

16

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

22

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

4

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

8

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.

18

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.

7

8

(END)