

ORIGINAL SENATE  
JOINT RESOLUTION  
NO. 0005

**ENGROSSED**

ENROLLED JOINT RESOLUTION NO. 1, SENATE

SIXTIETH LEGISLATURE OF THE STATE OF WYOMING  
2009 GENERAL SESSION

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

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

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production by the oil and gas industry in all the member states of the IOGCC without groundwater damage; and

WHEREAS, approximately thirty-five thousand (35,000) wells are hydraulically fractured annually in the United States and nearly one million (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, 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, the Wyoming department of environmental quality and Wyoming oil and gas conservation commission provide oversight of operations which protects groundwater; and

WHEREAS, Wyoming promotes its policy of maintaining control over its water resources by enforcing the extensive groundwater protections provided by Wyoming law; and

WHEREAS, production of coal seam natural gas, natural gas from shale formations and natural gas from tight

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conventional reservoirs is increasingly important to domestic natural gas supply and will be 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, thus, 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 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 that it would add an average of more than one hundred thousand dollars (\$100,000.00) in costs to each new natural gas well that requires fracturing, which would result in billions of dollars in deferred investment, reductions in new drilling of thirty-five percent (35%) to fifty percent (50%), foregone reserve additions of as much as fifty trillion (50,000,000,000,000) cubic feet of natural gas and foregone royalties from natural gas of nearly fifty billion dollars (\$50,000,000,000.00) over twenty-five (25) years; and

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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 MEMBERS OF THE LEGISLATURE OF THE STATE OF WYOMING:*

**Section 1.** That the Wyoming State Legislature 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 not to pass legislation that would remove the exemption for hydraulic fracturing.

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**Section 2.** That the Secretary of State of Wyoming transmit copies of this resolution 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 Wyoming Congressional Delegation.

(END)

\_\_\_\_\_  
Speaker of the House

\_\_\_\_\_  
President of the Senate

\_\_\_\_\_  
Governor

TIME APPROVED: \_\_\_\_\_

DATE APPROVED: \_\_\_\_\_

I hereby certify that this act originated in the Senate.

\_\_\_\_\_  
Chief Clerk