

1 HJR254
2 108408-2
3 By Representatives Allen, Buskey, Guin, Scott, McClurkin, Mask
4 and Harper
5 RFD: Rules
6 First Read: 03-MAR-09

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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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

23 BE IT FURTHER RESOLVED, That copies of this
24 resolution be sent forthwith to the President of the United
25 States, to the President of the Senate, and the Speaker of the

1 House of Representatives of the United States Congress and to
2 the members of the Alabama Congressional Delegation.

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Speaker of the House of Representatives

President and Presiding Officer of the Senate

House of Representatives

I hereby certify that the within Act originated in
and was adopted by the House 05-MAR-09.

Greg Pappas
Clerk

Senate

07-APR-09

Adopted