

A LOOK BACK: HF, SDWA, AND RECENT EFFORTS BY STATES TO FIGHT BACK



States remind Congress that regulation and risk management at the state level is, and always has been, the most effective approach.

Wyoming House adopts resolution "requesting Congress to preserve the exemption of hydraulic fracturing in the Safe Drinking Water Act."

North Dakota legislature takes up bill "urging Congress to preserve the exemption of hydraulic fracturing in the Safe Drinking Water Act."

Texas lawmakers ask "Congress to preserve the exemption of hydraulic fracturing in the Safe Drinking Water Act."

Resolution advances in Utah "urging Congress to preserve the exemption of hydraulic fracturing in the Safe Drinking Water Act."

Hydraulic fracturing first commercially employed.



SDWA amended to regulate over 100 specific drinking water contaminants; hydraulic fracturing, in practice at this point for nearly 40 years, never considered for SDWA regulation.



Legal Environmental Assistance Foundation (LEAF) v EPA - arguing that fracturing of coalbed methane in Alabama should be regulated under SDWA, without considering any legislative history or environmental impacts.



EPA releases draft of hydraulic fracturing study, concludes the technology does not pose a risk to drinking water — but raises potential concerns about the use of diesel fuel.



EPA releases its final report on the use of hydraulic fracturing in coalbed methane operations; reasserts that hydraulic fracturing poses "no threat" to drinking water.



Explosion occurs at home in Bainbridge, Ohio; incident blamed on hydraulic fracturing, which is rejected and corrected in subsequent investigations.

1948

1974

1986

1996

1997

2000

2002

2003

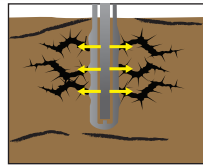
2004

2005

2007

2008

2009



Safe Drinking Water Act (SDWA) enacted.

- Aims to protect public water supplies and establishes new standards and regulations to protect underground sources of drinking water (USDW).
- Despite having been commercially utilized for nearly 25 years up to this point, hydraulic fracturing never considered for regulation under SDWA.

1996 SDWA amended to emphasize sound science and risk-based standard setting; no suggestion that hydraulic fracturing be regulated under SDWA.



LEAF challenges EPA's decision to allow Alabama to regulate hydraulic fracturing under its Class II well program. EPA initiates its own study of hydraulic fracturing.



Major operators sign memorandum of agreement with EPA, declare the use of diesel fuel off-limits when conducting fracturing operations near USDWs.



2005 House passes bipartisan energy bill that, among other things, clarifies that Congress never intended hydraulic fracturing to be regulated under SDWA.

Outside interest groups expand efforts to attack hydraulic fracturing in mid-Atlantic United States (Marcellus Shale).

- Colorado finalizes oil and natural gas production rules, which provide for disclosure to regulators of the identity of fracturing fluid constituents where there is a demonstrated need for information.
- HR 7271 (DeGette, Hinchey, Salazar) introduced in the House seeking to strip clarifying language in 2005 energy bill. Interest groups push for restrictions on hydraulic fracturing to be added to state regulations in New Mexico and county ordinances in Colorado and New Mexico.