



“Voice of the Western Slope Since 1953”

A coalition of individuals, businesses and local governments

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TO:

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CC:

Congressman Jared Polis (CO-2)
 Jonathan Asher (jonathan.asher@mail.house.gov)
Congresswoman Diana DeGette (CO-1)
 Steve Plevniak (steve.plevniak@mail.house.gov)

RE: **CLUB 20 urges you to OPPOSE H.R. 2766, “*Fracturing Responsibility and Awareness for Chemicals Act of 2009 (FRAC Act)*” by Congresswoman DeGette & Congressman Polis**

CLUB 20 urges you to oppose the “Fracturing Responsibility and Awareness for Chemicals Act of 2009 (FRAC Act)” which is being proposed by Congresswoman Diana DeGette and Congressman Jared Polis and, in so doing, maintain the exemption for hydraulic fracturing from the provisions of the Safe Drinking Water Act (SDWA). By ignoring 35 years of successful state regulatory precedence in protecting groundwater supplies, the FRAC Act demonstrates neither “responsibility” for good public policy nor “awareness” of the facts related to this issue.

The Safe Drinking Water Act (SDWA) was passed by Congress in 1974 to assure the protection of the nation’s drinking water sources. Because the SDWA was not intended to regulate complex science of oil & gas development, and in recognition of the unique geological features of each groundwater basin, Congress appropriately chose to assign the individual states the responsibility to regulate their own groundwater supplies as concerns the development of oil & gas resources by specifically exempting the industry practice of hydraulic fracturing from the SWDA. In response to this assignment of responsibility,

the Colorado Oil & Gas Conservation Commission (COGCC) has developed strict rules for such oil & gas development to effectively assure the protection of these important groundwater supplies.

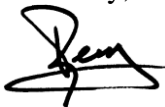
As evidence of the effectiveness of this established state oversight responsibility, the non-profit Ground Water Protection Council representing state ground water protection agencies has indicated that there are no documented cases of contamination involving hydraulic fracturing. Further, in 2004, the EPA similarly reported there is no evidence that water quality degradation had been caused by hydraulic fracturing fluids. CLUB 20 believes that Colorado's groundwater supplies are of critical importance and we applaud the decades-long work of the Colorado Oil & Gas Conservation Commission (COGCC) for providing an appropriate state regulatory framework to assure the protection of our groundwater supplies from unintended contamination by oil & gas development.

Colorado's oil & gas industry has been an important part of our state's economy for many years. Thirteen of the 22 counties within CLUB 20's Western Slope region had active natural gas production in 2008 with a combined production which accounted for 75 percent of the State's natural gas production. Hydraulic fracturing increases the efficiency and productivity of natural gas wells by 400-700%, especially in shales and tight sands which constitute the large majority of natural gas fields on the Western Slope of Colorado. Many of these wells would not be economically viable without the application of this technology. Placing additional and unnecessary regulations on the practice of hydraulic fracturing will most certainly increase costs for the oil & gas industry and thus discourage the development of our nation's abundant domestic energy reserves. We cannot support placing such an additional regulatory burden on this important industry unless there is sufficient evidence that adequate regulations are not already in place or are that those existing regulations not effectively assuring the protection of our groundwater supplies. We are not aware that such evidence exists to support either case.

The FRAC Act is an emotionally driven attempt to preempt existing state authority and add an unnecessary and costly regulatory burden on one of our state's most economically important industries. It represents a costly solution for a problem that does not exist, and will only result in driving up the cost (and thus discouraging development) of one of the cleanest sources of energy (natural gas) that we have available to us.

It is for these reasons that CLUB 20 strongly urges the Colorado Congressional Delegation, and Congress as a whole, to oppose H.R. 2766, and, in so doing, continue the excellent work which state regulatory agencies are presently doing to assure that hydraulic fracturing does not adversely impact our groundwater supplies.

Sincerely,

A handwritten signature in black ink, appearing to read 'Reeves Brown', with a stylized flourish at the end.

Reeves Brown
Executive Director