

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.

