
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE RESOLUTION

No. 609 Session of
2010

INTRODUCED BY CHRISTIANA, SOLOBAY, ELLIS, BARRAR, BENNINGHOFF,
BOYD, CLYMER, CREIGHTON, CUTLER, DENLINGER, EVERETT, GABLER,
GEIST, HARHART, HARRIS, MUSTIO, O'NEILL, PYLE, SCAVELLO,
STEVENSON, SWANGER, TALLMAN AND WATSON, JANUARY 27, 2010

REFERRED TO COMMITTEE ON ENVIRONMENTAL RESOURCES AND ENERGY,
JANUARY 27, 2010

A RESOLUTION

1 Supporting continued State regulation of hydraulic fracturing
2 and urging the Congress of the United States not to approve
3 legislation that would remove State hydraulic fracturing
4 regulating practices under the Safe Drinking Water Act.

5 WHEREAS, Pennsylvania forever changed the trajectory of the
6 world economy 150 years ago with the first commercial discovery
7 of oil in Titusville, Crawford County; and

8 WHEREAS, Again today, Pennsylvania is making transformational
9 economic and technological progress through the safe,
10 responsible and heavily regulated Marcellus shale gas production
11 enabled by hydraulic fracturing; and

12 WHEREAS, Domestic natural gas production will ensure that the
13 United States continues on the path to energy independence and
14 economic competitiveness; and

15 WHEREAS, Hydraulic fracturing, which has been in commercial
16 use for more than 60 years, as well as other advances in
17 exploration technology, has helped generate a 45% increase in

1 proven United States natural gas reserves, representing more
2 than 100 years of available supply at current rates of
3 consumption; and

4 WHEREAS, The Congress of the United States passed the Safe
5 Drinking Water Act (Public Law 93-523, 21 U.S.C. § 349 and 42
6 U.S.C. §§ 201 and 300f et seq.) to ensure the protection of the
7 nation's drinking water resources; and

8 WHEREAS, At no time during the consideration or
9 implementation of the Safe Drinking Water Act did the
10 Environmental Protection Agency ever interpret hydraulic
11 fracturing as constituting "underground injection" under that
12 law; and

13 WHEREAS, In 2004, the Environmental Protection Agency
14 published a final report that summarized a study evaluating the
15 potential threat to underground sources of drinking water from
16 hydraulic fracturing, which report concluded that "additional or
17 further study is not warranted at this time" and that "the
18 injection of hydraulic fracturing fluids into" coal bed methane
19 wells "poses minimal threat to" underground sources of drinking
20 water; and

21 WHEREAS, The Congress of the United States, in the bipartisan
22 Energy Policy Act of 2005 (Public Law 109-58, 11 Stat. 594),
23 which act was supported by then-Senator Barack Obama, explicitly
24 clarified the intent of the Congress of the United States
25 relating to hydraulic fracturing and specifically stated that
26 the act was never intended to be regulated under the Safe
27 Drinking Water Act; and

28 WHEREAS, The then EPA Administrator, now assistant to the
29 President of the United States for energy and climate change,
30 stated at the time that "there is no evidence that hydraulic

1 fracturing has resulted in any contamination or endangerment of
2 underground sources of drinking water"; and

3 WHEREAS, The Interstate Oil and Gas Compact Commission
4 conducted a survey of oil and gas producing states that found no
5 known cases of groundwater contamination associated with
6 hydraulic fracturing; and

7 WHEREAS, Each year, approximately 35,000 wells are
8 hydraulically fractured in the United States and, since the
9 technique's inception, more than 1.1 million wells have been
10 hydraulically fractured in the United States with no known harm
11 to groundwater; and

12 WHEREAS, The Safe Drinking Water Act was never intended to
13 grant to the Federal Government authority to regulate oil and
14 gas drilling and production operations such as hydraulic
15 fracturing under the Underground Injection Control program; and

16 WHEREAS, The member states of the Interstate Oil and Gas
17 Compact Commission have adopted comprehensive laws and
18 regulations to protect the nation's drinking water resources and
19 have trained personnel to effectively regulate oil and gas
20 exploration and production; and

21 WHEREAS, Regulation of hydraulic fracturing as a category of
22 underground injection under the Safe Drinking Water Act will
23 impose significant administrative costs on Pennsylvania and
24 substantially increase the cost of energy production, with no
25 resulting environmental benefits; and

26 WHEREAS, Regulation of hydraulic fracturing under the Safe
27 Drinking Water Act will increase energy costs to Pennsylvania
28 families, seniors and small businesses; and

29 WHEREAS, A recent Pennsylvania State University study found
30 that Marcellus gas production generated \$2.3 billion in total

1 value added in 2008, more than 29,000 jobs and \$240 million in
2 State and local taxes; and

3 WHEREAS, The Pennsylvania State University study found that
4 Marcellus gas production could potentially generate \$3.8 billion
5 in economic output, more than \$400 million in State and local
6 taxes and help create more than \$48,000 jobs in 2009; and

7 WHEREAS, The study also determined that the Marcellus
8 industry could generate \$13.5 billion in value added and almost
9 175,000 jobs in 2020; and

10 WHEREAS, The present value of additional State and local
11 taxes earned from Marcellus development between now and 2020 is
12 almost \$12 billion; therefore be it

13 RESOLVED, That the House of Representatives of the
14 Commonwealth of Pennsylvania support continued State regulation
15 of hydraulic fracturing and urge the Congress of the United
16 States not to approve legislation that would remove State
17 hydraulic fracturing regulating practices under the Safe
18 Drinking Water Act; and be it further

19 RESOLVED, That the House of Representatives support the
20 energy technology known as hydraulic fracturing and urge the
21 Congress of the United States not to pass legislation that will
22 destroy the current regulatory partnership presently observed in
23 relation to the process.