

**Sixty-second Legislative Assembly of North Dakota  
In Special Session Commencing Monday, November 7, 2011**

HOUSE CONCURRENT RESOLUTION NO. 3053  
(Representatives Kasper, Bellew, Drovdal, Rust)  
(Senators Andrist, Nodland)  
(Approved by the Delayed Bills Committee)

A concurrent resolution urging Congress to clearly limit United States Environmental Protection Agency regulation of hydraulic fracturing under the Safe Drinking Water Act to well stimulation treatments that use diesel fuel as the primary constituent--more than 50 percent diesel fuel by volume--of hydraulic fracturing fluid.

**WHEREAS**, hydraulic fracturing, a mechanical method of increasing the permeability of rock, thus increasing the amount of oil or gas produced from the rock, has greatly enhanced oil and gas production in this state; and

**WHEREAS**, oil and gas production increases in this state have led to growth in employment and economic development as well as promotion of energy independence for the United States; and

**WHEREAS**, the Energy Policy Act of 2005 uses the term "diesel fuel" more than 40 times and defines "diesel fuel" according to the American Society for Testing and Materials standard specifications for fuel oils; and

**WHEREAS**, the Environmental Protection Agency is being urged to define "diesel fuel" in Section 322 of the Energy Policy Act of 2005 in a different and broader manner than the definition of "diesel fuel" used elsewhere in the Act; and

**WHEREAS**, Section 322 of the Energy Policy Act of 2005 was never intended to subject injection of hydraulic fracturing fluids that contain minute amounts of diesel fuel, typically less than one-tenth of 1 percent by volume, to Safe Drinking Water Act regulation;

**NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF NORTH DAKOTA, THE SENATE CONCURRING THEREIN:**

That the Sixty-second Legislative Assembly urges the Congress of the United States to clearly limit Environmental Protection Agency regulation of hydraulic fracturing under the Safe Drinking Water Act to well stimulation treatments that use diesel fuel as the primary constituent--more than 50 percent by volume--of the hydraulic fracturing fluid; and

**BE IT FURTHER RESOLVED**, that the Secretary of State forward copies of this resolution to the administrator of the Environmental Protection Agency and to each member of the North Dakota Congressional Delegation.

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Speaker of the House

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President of the Senate

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Chief Clerk of the House

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Secretary of the Senate