

Introduced by

Representatives Kasper, Bellew, Drovdal, Rust

Senators Andrist, Nodland

(Approved by the Delayed Bills Committee)

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

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

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

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

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

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

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

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

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