

Senate bill would let states regulate fracking on federal land

Mike Lee, Environment & Energy Publishing, 1-13-15

A bill by Sen. Orrin Hatch (R-Utah) would require the Interior Department to defer to individual states for regulation of hydraulic fracturing on federal land.

S. 15, the "Protecting States' Rights to Promote American Energy Independence Act," filed Jan. 6, is similar to a measure by Rep. Bill Flores (R-Texas) that passed the House in 2013. It would require the Interior secretary to recognize state regulations on any component of hydraulic fracturing, "regardless of whether the regulations, guidance, and permitting are duplicative, more or less restrictive, have different requirements, or do not meet Federal regulations, guidance, or permit requirements."

The bill would undercut the Bureau of Land Management's efforts to regulate fracking on public land. The proposed regulation, which was sent to the White House for review in August, would require greater disclosure of chemicals used in fracking and promote better well construction and water management.

A spokesman for Hatch, who asked not to be identified, said the bill is intended to prevent duplicative regulations.

"The states are already doing a good job of regulating hydraulic fracturing," he said.

The bill, though, could be construed broadly to apply to everything from wastewater to air pollution connected to hydraulic fracturing, since it's written to cover "all components" of the process, said Amy Mall, senior policy analyst with the Natural Resources Defense Council.

And although some states do a good job of regulating parts of oil and gas development, none of them has a comprehensive plan to regulate the whole process, she said.

"Even if a state has some regulations that are strong -- it doesn't mean that all their regulations are strong," she said.

BLM manages federal and tribal lands mostly in the West. It has leased about 34.6 million mineral acres, and energy companies are producing oil and gas on 12.7 million acres, according to the agency's website. About 90 percent of the wells require hydraulic fracturing -- the process of breaking up rock formations with a high-pressure mix of water, sand and chemicals.