

**Board of County Commissioners Meeting
Agenda Item #__2__: Matters from Staff**

Staff Report

**Meeting Date: November 3, 2009
Submitting Department: Attorney**

**Presenter: Keith Gingery
Subject: Hydraulic Fracturing**

Statement / Purpose: Approve resolution regarding hydraulic fracturing.

Background / Description / Alternatives (Pros & Con

The resolution was presented to the commissioners from Maureen Blum, who was concerned with hydraulic fracturing. 2 issues are covered in the resolution. The potential harm to drinking water and the lack of information being provided to medical personnel providing treatment to individuals that may have come into contact with chemicals used in fracturing. The Teton District Board of Health voted to voice their support to the commission to pass the resolution.

Attachments: resolution

Fiscal Impact: None

Staff Impact: None

Legal Review: Keith Gingery

Recommendation: Approve.

Suggested Motion: I move to approve the resolution Concerning Hydraulic Fracturing and Public Health

RESOLUTION CONCERNING HYDRAULIC FRACTURING AND PUBLIC HEALTH

WHEREAS, Teton County, Wyoming is located directly north of Sublette County, Wyoming where the Pinedale Anticline and Jonah Natural Gas Field are located; and

WHEREAS, the Town of Jackson in Teton County is located only 60 miles from the Town of Pinedale in Sublette County; and

WHEREAS, neither the Town of Pinedale, nor the County of Sublette has a hospital and St. John's Medical Center in Jackson, Wyoming is one of the closest hospitals used to treat injured workers from the gas fields in Sublette County; and

WHEREAS, hydraulic fracturing is used extensively throughout the Pinedale Anticline and Jonah Field in Sublette County; and

WHEREAS, hydraulic fracturing is used in oil and natural gas production to maximize production. In hydraulic fracturing, a fluid (usually water containing specialty high-viscosity fluid additives) is injected under high pressure. The pressure exceeds the rock strength and the fluid opens or enlarges fractures in the rock. These larger, man-made fractures start at the injection well and extend as much as several hundred feet into the reservoir rock. After the formation is fractured, a "propping agent" (usually sand carried by the high viscosity additives) is pumped into the fractures to keep them from closing when the pumping pressure is released. Hydraulic fracturing allows the oil or natural gas to move more freely from the rock pores to a production well so that it can be brought to the surface; and

WHEREAS, the United States Congress passed the Safe Drinking Water Act, 42 U.S.C. § 300(h) (SDWA) to assure the protection of the nation's drinking water sources; and

WHEREAS, in 2004, the Environmental Protection Agency (EPA) published a final report summarizing a study to evaluate the potential threat to underground sources of drinking water (USDWs) from hydraulic fracturing of coalbed methane (CBM) production wells and concluded that "additional or further study is not warranted at this time . . ." and that the injection of hydraulic fracturing fluid into CBM wells poses minimal threat to USDWs. The Environmental Protection Agency (EPA) did state, however, that many chemicals in hydraulic fracturing fluids are linked to human health effects. These effects include cancer; liver, kidney, brain, respiratory and skin disorders; birth defects; and other health problems. The study included calculations showing that even when diluted with water at least nine hydraulic fracturing chemicals may be injected into a USDW at concentrations that pose a threat to human health. These chemicals are benzene, phenanthrenes, naphthalene, 1-ethylnaphthalene, 2-methylnaphthalene, fluorenes, aromatics, ethylene glycol and methanol; and

WHEREAS, the United States Congress, in the Energy Policy Act of 2005, explicitly exempted hydraulic fracturing from the provisions of SDWA; and

WHEREAS, the companies that use hydraulic fracturing are not required to reveal what chemicals they are injecting as the high viscosity additives, since they are considered secret proprietary rights of the company; and

WHEREAS, injured workers from the gas fields of Sublette County are brought to Teton County's hospital, St. John's Medical Center, and the hospital personnel are not allowed to know what chemical agents that they are dealing with in regards to that patient, jeopardizing the patient and the hospital workers; and

WHEREAS, since the EPA's 2004 report that found minimal threats to USDW's from hydraulic fracturing, more homeowners are coming forward to complain about potential contamination of their drinking water, in particular, recently in Pavillion, Wyoming; and

WHEREAS, Colorado Congresswoman Diana DeGette has introduced in the United States House of Representatives a bill that would establish federal environmental controls over the process of hydraulic fracturing to protect USDWs and would require that when a physician or nurse determines that a medical emergency exists and the proprietary chemical formulas or

specific chemical identity of a chemical used in hydraulic fracturing is necessary for emergency or first aid treatment, the company using hydraulic fracturing shall disclose the proprietary chemical formulas or specific chemical identity of a chemical; and

WHEREAS, the Wyoming Legislature passed a resolution in March 2009 that called on Congress to reject Rep. DeGette's bill and to preserve the exemption of hydraulic fracturing in the Safe Drinking Water Act.; and

WHEREAS, Teton County's State Senator Grant Larson and Teton County's State Representatives Keith Gingery and Pete Jorgenson strongly opposed the Wyoming Legislature's resolution and voted against the resolution; and

WHEREAS, Rep. DeGette's bill has run into strong opposition in the Congress, and Rep. DeGette is now looking at having the EPA do a new comprehensive study of the impacts on hydraulic fracturing on USDW's; and

WHEREAS, Teton County and Sublette County are within the Greater Yellowstone Ecosystem and the protection of our waters is important even across jurisdictional boundaries and the protection of our health care workers in Teton County is of high importance.

Therefore be it resolved by the Board of County Commissioners of Teton County, Wyoming that:

The Board of County Commissioners expresses its deepest concern about the use of hydraulic fracturing in Sublette County, in particular its potential to harm the health, and safety of Teton County Health Workers; and

The Board of County Commissioners urges the U.S. Congress to pass Rep. DeGette's bill and in the alternative, for the EPA to conduct a comprehensive study of the effects of hydraulic fracturing on USDWs; and

That the Teton County Clerk transmits copies of this resolution to the Wyoming Congressional Delegation, Rep. DeGette of Colorado, and the Governor of Wyoming.

Adopted on the ____ day of _____, 2009.

TETON COUNTY BOARD OF COUNTY COMMISSIONERS

Hank Phibbs, Chair

Ben Ellis

Andy Schwartz

Leland Christensen

(Seal)

Paul Vogelheim

ATTEST:

Sherry L. Daigle, Teton County Clerk