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TO: All House Members

FROM: Representative Mike Reese *M.R.*

DATE: March 1, 2011

SUBJECT: Fresh Groundwater Protection and Casing Requirements

I plan to introduce legislation requiring that used hydraulic frac fluid be stored either in sealed containers or in a storage pond that is enclosed with fencing and has double liners.

As drillers are reusing hydraulic fracturing wastewater, such water is stored at or near well sites between uses. Although many drilling companies use sealed containment systems to store wastewater, some drillers store used water in protective holding ponds. My legislation would amend the Oil and Gas Act of 1984 to require the use of closed containers or a fenced storage pond to store drilling wastewater prior to its reuse or transfer from the well site. In the case a storage pond is used, aside from a fence around the perimeter, there must also be a leak detection mechanism situated between the two liners.

Additionally, this bill would add to the Oil and Gas Act that if a contamination of a water supply were to occur within 1,000 feet of a pit or impoundment, liability would be defaulted to the driller. Current law assumes this liability in the event of contamination of water supply within 1,000 feet of a gas well site but makes no mention of a frac water pit or impoundment.

If you wish to co-sponsor this legislation, please contact Jordan Frei via e-mail at jfrei@pahousegop.com.