

1 H.464

2 Introduced by Representatives Klein of East Montpelier and Peltz of

3 Woodbury

4 Referred to Committee on

5 Date:

6 Subject: Conservation; water resources; underground injection; natural gas

7 production

8 Statement of purpose: This bill proposes to prohibit the issuance of a permit

9 for a discharge into an injection well for conventional or enhanced recovery of

10 natural gas or oil.

11 An act relating to hydraulic fracturing wells for natural gas and oil
12 production

13 It is hereby enacted by the General Assembly of the State of Vermont:

14 Sec. 1. FINDINGS

15 The general assembly finds and declares that:

16 (1) The drilling practice of hydraulic fracturing for natural gas

17 exploration and production uses a variety of chemicals that are injected into

18 natural gas or oil wells.

1 (2) During hydraulic fracturing, fractures are induced into bedrock
2 formations, such as shale, and these fractures may introduce injected chemicals
3 into drinking water aquifers.

4 (3) The agency of natural resources' (ANR's) underground injection
5 control rules provide that no natural gas or oil well proposed for use in
6 hydraulic fracturing will be permitted if injection into the well results in
7 movement of contaminating fluid into underground sources of drinking water.

8 (4) As ANR's underground injection control rules are implemented, an
9 underground injection control permit is not available for hydraulic fracturing
10 because permit applicants cannot show that contaminating fluid will not move
11 into an underground source of drinking water.

12 (5) To ensure that the state's underground sources of drinking water
13 remain free of contamination and to formalize ANR's interpretation of the state
14 underground injection control rules, the general assembly should prohibit the
15 issuance of a permit for the discharge to an underground injection well for
16 conventional or enhanced recovery of natural gas or oil.

17 Sec. 2. 10 V.S.A. § 1263 is amended to read:

18 § 1263. DISCHARGE PERMITS

19 (a) Any person who intends to discharge waste into the waters of the state
20 or who intends to discharge into an injection well or who intends to discharge
21 into any publicly owned treatment works any waste which interferes with,

1 passes through without treatment, or is otherwise incompatible with that works
2 or would have a substantial adverse effect on that works or on water quality
3 shall make application to the secretary for a discharge permit. Application
4 shall be made on a form prescribed by the secretary. An applicant shall pay an
5 application fee in accordance with 3 V.S.A. § 2822.

6 * * *

7 (h) No permit shall be issued under this section for a discharge into an
8 injection well for conventional or enhanced recovery of natural gas or oil.

9 Sec. 3. EFFECTIVE DATE

10 This act shall take effect on passage.