

109<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

# S. 1080

To amend the Safe Drinking Water Act to require the use of nontoxic products in the case of hydraulic fracturing that occurs during oil or natural gas production activities.

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## IN THE SENATE OF THE UNITED STATES

MAY 19, 2005

Mr. JEFFORDS (for himself, Mr. LAUTENBERG, Mrs. BOXER, and Mr. LIEBERMAN) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

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## A BILL

To amend the Safe Drinking Water Act to require the use of nontoxic products in the case of hydraulic fracturing that occurs during oil or natural gas production activities.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Hydraulic Fracturing  
5       Safety Act of 2005”.

6       **SEC. 2. HYDRAULIC FRACTURING.**

7       Section 1421(d)(1) of the Safe Drinking Water Act  
8       (42 U.S.C. 300h(d)(1)) is amended—

1           (1) by adding at the end the following: “The  
2 term ‘underground injection’ includes hydraulic frac-  
3 turing, which means the process of creating a frac-  
4 ture in a reservoir rock, through the injection of  
5 fluids and propping agents, for the purpose of res-  
6 ervoir stimulation relating to oil and gas production  
7 activities.”; and

8           (2) by adding at the end the following:

9           “(3) HYDRAULIC FRACTURING.—

10           “(A) IN GENERAL.—In the case of hydrau-  
11 lic fracturing that occurs during the exploration  
12 for, or the production of, oil or natural gas, a  
13 producer of oil or natural gas shall not use die-  
14 sel fuel or any other material that the Adminis-  
15 trator has listed as a priority pollutant under  
16 the Federal Water Pollution Control Act (33  
17 U.S.C. 1251 et seq.).

18           “(B) REGULATIONS.—The Administrator  
19 shall promulgate such regulations as are nec-  
20 essary—

21           “(i) to regulate hydraulic fracturing in  
22 accordance with this subsection; and

23           “(ii) to ensure that State programs  
24 under section 1422 or 1425 regulate hy-

1                   draulic fracturing in accordance with this  
2                   subsection.”.

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