



DOMESTIC PETROLEUM COUNCIL

May 7, 2004

Larry Cole
U.S. Environmental Protection Agency
Region 4
Ground Water Management Division
Ground Water and Drinking Water Branch
Sam Nunn Atlanta Federal Center
61 Forsyth Street, SW
Atlanta, GA, 30303

Re: *Comments on State of Alabama: Underground Injection Control Program Revision; Proposed Response to Court Remand.*

The Domestic Petroleum Council (DPC) supports the proposed EPA response to the Eleventh Circuit Court of Appeals' remand in *Legal Environmental Assistance Foundation, Inc., v. United States Environmental Protection Agency*, otherwise known as the "LEAF II" case. In addition, we request that the EPA continue its efforts in support of the State of Alabama's program to responsibly administer the requirements of the Safe Drinking Water Act (SDWA).

The DPC is the national trade association representing the largest North American independent natural gas and oil exploration and production companies. These companies, along with their service company contractors, are among the most active businesses that apply hydraulic fracturing technology in the production of natural gas.

The DPC's support of the EPA's proposed response is based on our agreement with the Agency's analysis of the legal requirements of the SDWA. However, it is also based on our conviction that the proposed response demonstrates a clear convergence of sound legal reasoning with clear environmental and economic benefits. Drinking water in Alabama is being protected without unduly impeding natural gas production. This is increasingly critical in meeting the nation's energy needs through the supply and use of an environmentally preferable fuel.

We urge the EPA – and eventually the Eleventh Circuit Court of Appeals – to affirm that Alabama has followed the letter and intent of the Safe Drinking Water Act in crafting and implementing its underground injection control program.

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Alabama has demonstrated an excellent record of protecting drinking water supplies just as the law has intended. There is no justification for altering the Alabama regulatory process that has generated such an excellent record.

The DPC also strongly endorses separate joint industry comments reinforcing the legal aspects of our support of EPA's position that the State of Alabama need not amend its underground injection control program with respect to hydraulic fracturing.

From the initiation of the original legal proceedings through *LEAF II*, neither the State of Alabama nor the EPA has found that hydraulic fracturing has led to environmental harm to drinking water supplies. In addition, the EPA's draft study of hydraulic fracturing in coal seams nationwide has reached the conclusion that no further regulatory action or study of this matter is needed.

Many states, including Alabama, have an excellent record of regulating natural gas exploration, development and production processes to ensure that the environment is protected. This is particularly true regarding hydraulic fracturing. The result is that natural gas -- a clean-burning and environmentally preferable fuel -- is being produced responsibly and easing the strain of meeting our nation's energy needs. Neither Alabama nor other states should be required to bear unnecessary (from an environmental perspective) or counterproductive (from an energy perspective) additional regulatory burdens when they are clearly acting within the law and producing such positive environmental and energy results.

In closing, the DPC strongly endorses the EPA's proposed response to the Eleventh Circuit Court of Appeals. It is legally sound and demonstrates responsible government that supports good environmental and energy policies.

Thank you for considering our views.

Sincerely,



William F. Whitsitt, Ph.D.
President

Cc: EPA Administrator Michael Leavitt
EPA Assistant Administrator for Water Programs Benjamin Grumbles