

Lax Rules for the Natural Gas Industry

Published: March 3, 2011 By The New York Times:

The natural gas industry has exemptions or exclusions from key parts of at least 7 of the 15 major federal environmental laws designed to protect air and water from radioactive and hazardous chemicals. Below are the seven laws listed in the order they were passed.

National Environmental Policy Act

1969 Requires that government agencies evaluate environmental impacts of major federal actions like authorizing oil and gas drilling on public land.

2005 Congress exempts drillers from having to produce certain types of rigorous reports on the potential environmental impact of some types of oil and gas activities.

2006-7 The Bureau of Land Management grants the exemption to a quarter of all wells approved on public land in the West.

Clean Air Act

1970 Limits emissions of toxic air pollutants.

1990 Congress amends the act, strengthening limits on emissions of more than 180 hazardous air pollutants, but exempts all oil and gas wells from certain protections under this rule.

Clean Water Act

1972 Limits discharges into rivers, lakes and streams. Establishes goals of water that is “fishable and swimmable” by 1983 and zero discharge of pollutants by 1985.

1987 Congress amends the act, requiring the E.P.A. to develop a permitting program for stormwater runoff, but these amendments largely exempt oil and gas exploration, production and processing.

2005 Congress expands the industry’s exemptions to the act.

Safe Drinking Water Act

1974 Protects the quality of drinking water and regulates the injection of waste into underground areas.

1995 Carol Browner, head of the E.P.A., writes that hydraulic fracturing is not regulated by the part of the law that pertains to the “underground injection” of waste.

1997 A federal court rules that hydraulic fracturing constitutes “underground injection” and falls under the regulation.

2004 An E.P.A. study focused on coalbed methane concludes that the injection of hydraulic fracturing fluids into underground wells does not present a threat to drinking water. An E.P.A. whistleblower later charges that the study’s conclusions were unsupported and that some members of the study’s peer review panel had conflicts of interest.

2005 Congress exempts hydraulic fracturing from regulation under the act unless diesel is used.

Resource Conservation and Recovery Act

1976 Sets standards for the handling of hazardous wastes.

1980 Lawmakers tell the E.P.A. to study oil and gas exemptions and report back to Congress.

1988 Over objections from agency officials, the E.P.A decides not to apply some hazardous waste rules to specific oil and gas wastes.

Superfund Act

1980 Establishes a governmental response to releases of hazardous substances into the environment and holds polluting industries liable for cleanup costs. But natural gas and oil are not considered hazardous under this law, making it more difficult for the E.P.A. to hold some oil and gas operations liable.

Emergency Planning and Community Right to Know Act

1986 Requires certain industries to report to the E.P.A. on the storage, release or transfer of significant levels of toxic substances. But much of the oil and gas industry has not been required by the E.P.A. to follow the law's reporting requirements.

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