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FOR IMMEDIATE RELEASE

February 11, 2014

EPA Revises Permitting Guidance for Using Diesel Fuel in Oil and Gas Hydraulic Fracturing

WASHINGTON-- Today, the U.S. Environmental Protection Agency (EPA) released revised underground injection control (UIC) program permitting guidance for wells that use diesel fuels during hydraulic fracturing activities. EPA developed the guidance to clarify how companies can comply with a law passed by Congress in 2005, which exempted hydraulic fracturing operations from the requirement to obtain a UIC permit, except in cases where diesel fuel is used as a fracturing fluid.

EPA is issuing the guidance alongside an interpretive memorandum, which clarifies that class II UIC requirements apply to hydraulic fracturing activities using diesel fuels, and defines the statutory term diesel fuel by reference to five chemical abstract services registry numbers. The guidance outlines for EPA permit writers, where EPA is the permitting authority, existing class II requirements for diesel fuels used for hydraulic fracturing wells, and technical recommendations for permitting those wells consistently with these requirements. Decisions about permitting hydraulic fracturing operations that use diesel fuels will be made on a case-by-case basis, considering the facts and circumstances of the specific injection activity and applicable statutes, regulations and case law, and will not cite this guidance as a basis for decision.

Although developed specifically for hydraulic fracturing where diesel fuels are used, many of the guidance's recommended practices are consistent with best practices for hydraulic fracturing in general, including those found in state regulations and model guidelines for hydraulic fracturing developed by industry and stakeholders. Thus, states and tribes responsible for issuing permits and/or updating regulations for hydraulic fracturing may find the recommendations useful in improving the protection of underground sources of drinking water and public health more broadly.

Responsible development of America's unconventional oil and natural gas resources offers important economic, energy security, and environmental benefits. The EPA is working with states and other key stakeholders to help ensure that extraction of these resources does not come at the expense of public health and the environment. In particular, the EPA is moving forward on several initiatives, such as the diesel guidance, to provide regulatory clarity with respect to existing laws and using existing authorities where appropriate to enhance public health and environmental safeguards.

EPA released a draft of the guidance in May 2012 and held a 105 day public comment period to gain input on the guidance from a wide range of stakeholders.

To read the guidance, visit: <http://water.epa.gov/type/groundwater/uic/class2/hydraulicfracturing/hydraulic-fracturing.cfm>

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