# Senator Rips on $1M for EPA Fracking Lawsuit

DALE WETZEL, Associated Press

BISMARCK, N.D. (AP) — North Dakota lawmakers' worries about federal regulation of an oil production technique are exaggerated and do not justify setting aside $1 million for a possible lawsuit, a state senator said Wednesday.

"These people have put in ... this thing that creates the illusion that there is this monster someplace, and we're going to throw $1 million to defeat the monster," said Sen. Tim Mathern, D-Fargo. "It's baloney."

The money was included in disaster relief legislation, approved during the North Dakota Legislature's special session last week, to challenge possible Environmental Protection Agency regulation of hydraulic fracturing.

The "fracking" process is widely used in western North Dakota's oil-producing region. It involves pumping water, chemicals and grit underground at high pressure to create and prop open cracks in oil-bearing shale rock, and promote the flow of oil.

The EPA is conducting a study of fracking's environmental effects, with an initial report expected within a year. One of the agency's study areas is Dunn County, in southwestern North Dakota, where the agency will explore fracking's possible link to contamination of drinking water.

The $1 million is to pay for "possible litigation and other administrative proceedings" relating to the study, the legislation says.

North Dakota lawmakers this year have approved resolutions and a state law supporting fracking. The state Industrial Commission, which oversees oil and gas regulation, sent a letter this week to a top EPA official declaring that state regulation of fracking was sufficient to protect the environment and drinking water supplies.

The commission is made up of Gov. Jack Dalrymple, Agriculture Commissioner Doug Goehring and Attorney General Wayne Stenehjem, who said he believed lawmakers were justified in setting aside $1 million for possible litigation expenses.

"My experience with (the EPA) is that they overreact. They're doing so on a number of other fronts," Stenehjem said. "I think it's important that we be ready to act if we need to, because if they overregulate ... they can shut down our oil industry in North Dakota immediately, and that's a worry."

Mathern was the only legislator to vote against a law, approved in March during the Legislature's regular session, that declared hydraulic fracturing to be "an acceptable recovery process" for producing oil and gas in North Dakota.

During last week's special session, Mathern was one of eight lawmakers who opposed a resolution that asked Congress to limit EPA regulation of hydraulic fracturing. The Legislature has 141 members, 47 senators and 94 House members.

"Talk about setting up a straw man. The EPA isn't interested in shutting down North Dakota," Mathern said. "That million dollars is not needed. It's a total waste of state spending, and it's hype."

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