March 14, 2013

The Honorable Matthew Cartwright
U.S. House of Representatives
1419 Longworth House Office Building
Washington, DC 20515

Dear Congressman Cartwright:

We write today in support of your bill, the Focused Reduction of Effluence and Stormwater runoff through Hydrofracking Environmental Regulation Act (“FRESHER”) which would close a Clean Water Act loophole the oil and gas industry enjoys. Under current law, oil and gas construction and operations are exempt from the Clean Water Act’s stormwater pollution prevention permit requirement. This bill, if passed into law, would take the common sense step to repeal this exemption and require the oil and gas industry to meet the same stormwater runoff standards that every other industry meets.

The Clean Water Act’s stormwater provisions are important tools to preserve water quality. Construction activities cause erosion and sediment pollution, which in turn can damage local water infrastructure, interfere with agricultural use, increase chemical and wastewater runoff into waterways, and harm aquatic habitat and fish populations. Stormwater permit requirements are not burdensome or expensive. Both Colorado and Wyoming have put stormwater regulations in place for the oil and gas industry without any drop in industrial activity.

Under current law, there is no way for state or federal regulators, or the public, to know if companies have a stormwater pollution prevention plan to identify possible pollution sources and reduce pollution to waters, or if the proper protections are in place. Regulators might only be informed after water is polluted. This makes no sense. Nevertheless, in 1987, Congress exempted oil and gas operations from the requirement to have a permit for stormwater runoff, and during the 2005 Energy Policy Act, Congress expanded this exemption further to include construction
activities related to oil and gas, like building wellpads, roads and pipelines. The FRESHER Act would repeal both of these exemptions and take an important step towards restoring common sense environmental protections to important water bodies. The bill also directs the Department of the Interior to conduct a study of the impacts of stormwater runoff, including impact on groundwater and aquifer resources.

Oil and gas production is occurring in more than thirty states, and a consistent national standard is needed to ensure basic protection of our water resources. Oil and gas development is a risky and environmentally damaging industry, and should not be exempted from any environmental laws. Instead, we should hold oil and gas to the same standards to which we hold other industries. Each exemption that oil and gas has from our bedrock environmental laws should be repealed, and this bill is an important step towards accomplishing that goal. Thank you for your work on this issue.

Sincerely,

David Moryc
Senior Director of River Protection
American Rivers

Karen Feridun
Founder
Berks Gas Truth

Erik Molvar
Executive Director
Biodiversity Conservation Alliance

Tweeti Blancett
Blancett Ranches

Karuna Jaggar
Executive Director
Breast Cancer Action

Michael J. Painter
Coordinator
Californians for Western Wilderness

Katherine McFate
President and CEO
Center for Effective Government

Paul V. Ferrazzi
Executive Director
Citizens Coalition for a Safe Community

Joy Bergey
Federal Policy Director
Citizens for Pennsylvania's Future

Conrad G. Schneider
Advocacy Director
Clean Air Task Force

Lynn Thorp
National Campaigns Director
Clean Water Action

Maya van Rossum
Delaware Riverkeeper
Delaware Riverkeeper Network

Marty Hayden
Vice President of Policy & Legislation
Earthjustice

Lauren Pagel
Policy Director
Earthworks

Bruce Gordon
President
EcoFlight

Shelley Vinyard
Clean Water Advocate
Environment America

Emily Wurth
Water Program Director
Food & Water Watch
Barbara Jarmoska  
President  
Freshlife, Inc.

Kyle Ash  
Senior Legislative Representative  
Greenpeace USA

Alex Taurel  
Deputy Legislative Director  
League of Conservation Voters

Julie Ann Edgar  
Organizer  
Lehigh Valley Gas Truth

Jeff Kuyper  
Executive Director  
Los Padres Forest Watch

Guy Alsentzer  
Director  
Lower Susquehanna Riverkeeper

Mike Daulton  
Vice President of Government Relations  
National Audubon Society

Amy Mall  
Senior Policy Analyst  
Natural Resources Defense Council

David Turnbull  
Campaigns Director  
Oil Change International

Erika Staaf  
Clean Water Advocate  
PennEnvironment

Kathryn Hanraty  
Director of Water Affairs  
People's Oil & Gas Collaborative - Ohio

Eric David Peters  
Campaign Coordinator  
Protecting Our Waters

Teresa Méndez-Quigley  
Director, Environmental Health Programs  
Physicians for Social Responsibility  
Philadelphia

Barbara Jarmoska  
President, RDA Board  
Responsible Drilling Alliance

Dan Randolph  
Executive Director  
San Juan Citizens Alliance

Wendy Lynne Lee  
Shale Justice Coalition

Debbie Sease  
Federal Campaign Director  
Sierra Club

Nat Mund  
Legislative Director  
Southern Environmental Law Center

David Alberswerth  
Senior Policy Advisor  
The Wilderness Society

Erik Schlenker-Goodrich  
Executive Director  
Western Environmental Law Center

Don Nelson  
Oil and Gas Campaign Team Chair  
Western Organization of Resource Councils

Karin P. Sheldon  
President  
Western Resource Advocates

Sloan Shoemaker  
Executive Director  
Wilderness Workshop