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## Efforts Under Way to Keep Oil Field Waste Exemption Fears, Ronda. **Journal Record** [Oklahoma City, Okla] 05 Nov 1991.

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### Abstract (summary)

"In this case, what P.J. O'Rourke said about our government is so true: 'The mystery of government is not how Washington works, but really how to make it stop.' The potential consequences of this to our industry would be disastrous." The oil and gas industry wants responsible regulation, she said. But such an extreme measure would virtually shut down all stripper wells and a sizeable number of additional low-volume wells, which account for 20 percent of U.S. oil production and 13 percent of U.S. natural gas production.

She testified for the exemption before both the Senate and House committees taking up the Resource Conservation and Recovery Act reauthorization bill. The Environmental Protection Agency and numerous environmental groups clashed in their positions. EPA favors continuance of the exemption; environmental groups assert new, stricter regulation is needed.

After all was said and done, she said, "we just got killed." "The position of the members like [Jack Fields] and [Billy Tauzin] is they're willing to talk about having something in there, and they're willing to talk about covering gaps and making sure that each state does have a program," [Denise Bode] said, "but if they (other group members) try to eliminate our exemption, they (Fields and Tauzin) say they will walk away from negotiations and there will just be a big fight." Bode credits a lot of progress in reshaping the opinions of key congressional members with the Independent Petroleum Association of America's major educational effort, conducted in cooperation with other industry groups. The program included numerous field trips and visits with state regulators and landowners about what's going on in the oilpatch.

### Full Text

By Ronda Fears Journal Record Staff Reporter Hope of retaining the oil field wastes exemption from classification as hazardous has emerged in Washington.

Testimony in House and Senate subcommittees has been taken, and the Resource Conservation and Recovery Act reauthorization bill comes up for debate in the spring.

At least in the House, the exemption is expected to be left untouched, although some mention of oil field waste regulation will likely be included, said Denise Bode, president of the Independent Petroleum Association of America.

Bode, an Oklahoma native, was in Dallas on Saturday speaking at the annual meeting of the National Association of Royalty Owners, based in Ada.

"Now, as far as what happens ultimately, you fight each battle as it comes," Bode said.

"In this case, what P.J. O'Rourke said about our government is so true: 'The mystery of government is not how Washington works, but really how to make it stop.' The potential consequences of this to our industry would be disastrous." The oil and gas industry wants responsible regulation, she said. But such an extreme measure would virtually shut down all stripper wells and a sizeable number of additional low-volume wells, which account for 20 percent of U.S. oil production and 13 percent of U.S. natural gas production.

It would eliminate 97 percent of the stripper wells in Oklahoma, which make up more than 75 percent of the state's oil production, it has been estimated.

"I already feel like an advocate for the homeless when you consider that two-thirds of the independents have gone out of business in the last decade," Bode said.

In times past, she said, the association was perceived as an inflexible, black-and-white organization, and was not helpful to congressional members who have been supportive of the industry, Democrat or Republican. Bode is trying to bridge the partisan gap.

She testified for the exemption before both the Senate and House committees taking up the Resource Conservation and Recovery Act reauthorization bill. The Environmental Protection Agency and numerous environmental groups clashed in their positions. EPA favors continuance of the exemption; environmental groups assert new, stricter regulation is needed.

"When I testified . . . no empirical data was offered by the environmentalists," Bode said, noting she peered over a stack of current state and federal regulations as high as her head.

"These changes would be for naught because oil and gas wastes are safely managed under the current state and federal requirements (primarily the federal Safe Drinking Water Act and Clean Water Act). This would be an additional layer of federal regulation where none is needed." In the House chamber, a process has begun to develop a bill that leaves the exemption, but in some way addresses regulation of oil field wastes. The Senate appears to be watching

and waiting to see how the House progresses.

U.S. Reps. Billy Tauzin, D-Louisiana, Jack Fields, R-Texas, Ralph Hall, D-Texas, Jim Slattery, D-Kansas, and Bill Richardson, D-New Mexico, are working as a team to come up with a proposal that will appease both sides of the issue, she said.

"We've told them, EPA has told them, IOGCC (the **Interstate Oil** and Gas Compact Commission, based in Oklahoma City) has told them we don't need anything new. But they said we need to have something in there," Bode said.

"What they are working on, in essence, codifies the IOGCC rules, which keeps it at the state level but provides more guidelines, sort of a basket of guidelines for the states, making sure there are no gaps in laws." It is a meritorious argument to include mention of oil field waste regulation from the start, she said, because of the industry's experience with the 1990 Clean Air Act amendments. When the bill began to be marked up last year, there was nothing perceived as detrimental to the oil and gas industry.

After all was said and done, she said, "we just got killed." "The position of the members like Fields and Tauzin is they're willing to talk about having something in there, and they're willing to talk about covering gaps and making sure that each state does have a program," Bode said, "but if they (other group members) try to eliminate our exemption, they (Fields and Tauzin) say they will walk away from negotiations and there will just be a big fight." Bode credits a lot of progress in reshaping the opinions of key congressional members with the Independent Petroleum Association of America's major educational effort, conducted in cooperation with other industry groups. The program included numerous field trips and visits with state regulators and landowners about what's going on in the oilpatch.

"Through that whole process, I think a lot of their eyes were opened," Bode said.

"I think they are not as receptive to a complete elimination of the exemption." Still, the environmental movement has gained support in recent years, and the oil and gas industry is not discounting their influence and goals in Washington. The Audubon Society and Sierra Club are the most prominent environmental groups lobbying against the oil industry.

"Clearly, they are coming after us," Bode said.

"They want to get a provision in there. (But) I think that even they see that going for a full elimination is not going to be acceptable." The economics of regulating oil field wastes as hazardous have persuaded many congressional members, too, she said. EPA has estimated it would cost the industry and consumers annually between \$1 billion and \$6 billion.

"You couldn't do it," Bode said.

"With 1.25 million sites (wells) in the United States that we're talking about, just compare that to the number of hazardous waste sites that we have. They are in the hundreds, and we're talking about going to the millions.

"The situation is as EPA says; it's all high volume, low toxicity waste. You're talking about stuff, that in most cases, I could drink or cattle could drink.

"In the western states the cattlemen are using it to water, and a lot of producers are using (drilling) muds to fertilize because it's the same components as most fertilizers that farmers put on their land.

"There is a lot of evidence. There have been a lot of studies by OSU (Oklahoma State University ) and Texas A&M on the value of drilling muds."

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