

BakerHostetler



A Lotta' People Are Saying

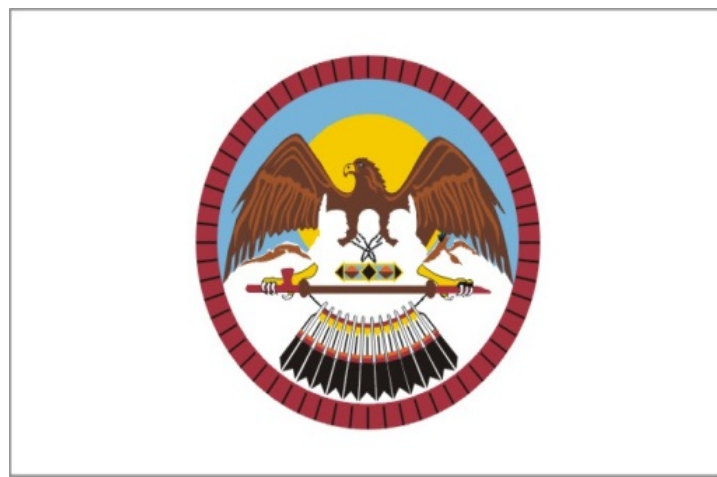
*Facts & Alternative Facts About Energy & the
Law in the early Trump Administration*

Mark S. Barron
IPAA Strategic Planning Conference

Feb. 14, 2017
Houston, Texas

Yooge, Tremendous Issues

- Existing Cases
- Regulations
- Enforcement Approaches
- Project-Related Challenges
- Nasty Women, Not nice People,
People with Terrible Ratings,
Failing Fake News Provocateurs,
and the rest of the Resistance

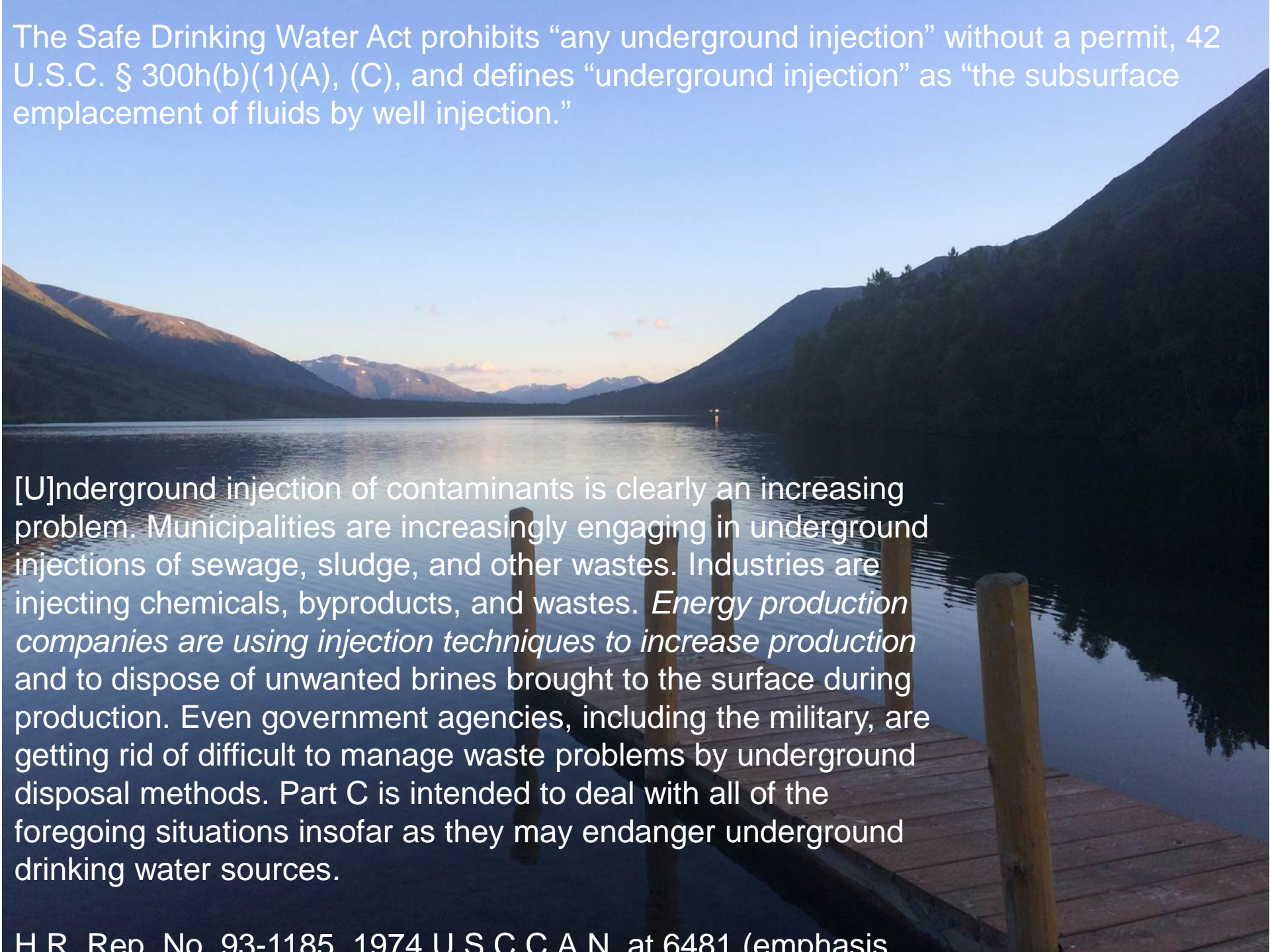




The Congress shall have Power to dispose of and make all needful Rules and Regulations respecting the Territory or other Property belonging to the United States.

U.S. Const. art. 4 § 3, cl. 2.

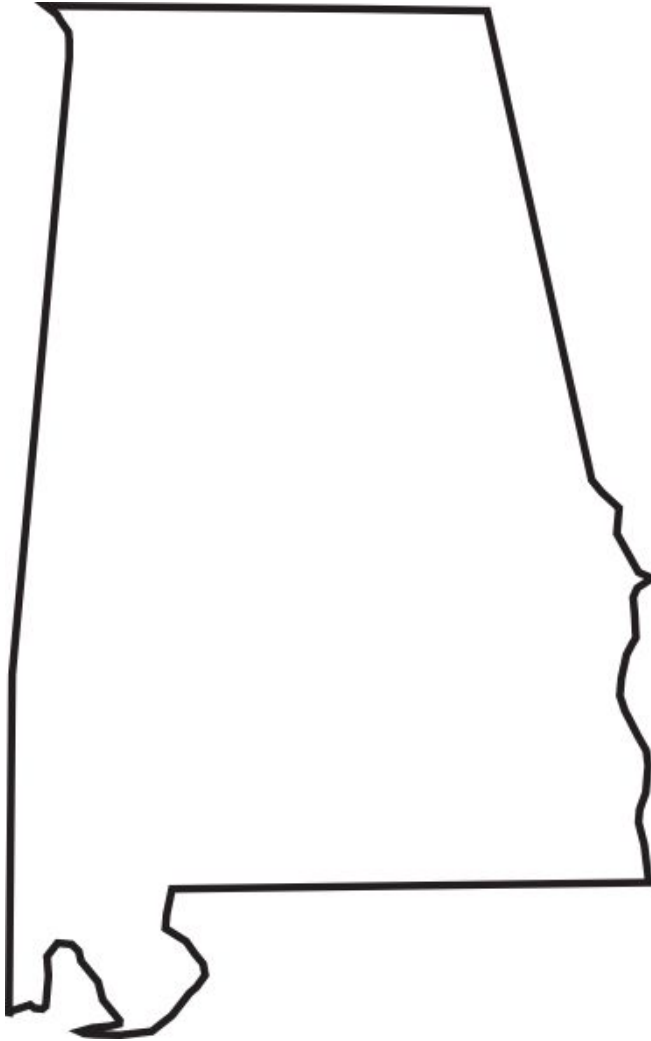
Howard Chandler Christy
1851-1931



The Safe Drinking Water Act prohibits “any underground injection” without a permit, 42 U.S.C. § 300h(b)(1)(A), (C), and defines “underground injection” as “the subsurface emplacement of fluids by well injection.”

[U]nderground injection of contaminants is clearly an increasing problem. Municipalities are increasingly engaging in underground injections of sewage, sludge, and other wastes. Industries are injecting chemicals, byproducts, and wastes. *Energy production companies are using injection techniques to increase production and to dispose of unwanted brines brought to the surface during production.* Even government agencies, including the military, are getting rid of difficult to manage waste problems by underground disposal methods. Part C is intended to deal with all of the foregoing situations insofar as they may endanger underground drinking water sources.

Legal Env'tl. Assistance Found., Inc. v. EPA,
118 F.3d 1467, 1474-75 (11th Cir. 1997).



“The process of hydraulic fracturing obviously falls within this definition, as it involves subsurface emplacement of fluids by forcing them into cavities and passages in the ground through a well.”

“Congress directed EPA to regulate ‘underground injection’ activities, not ‘injection wells.’”

Energy Policy Act of 2005

Regulations of the Administrator under this section for State underground injection control programs may not prescribe requirements which interfere with or impede—

(A) the underground injection of brine or other fluids which are brought to the surface in connection with oil or natural gas production or natural gas storage operations, or

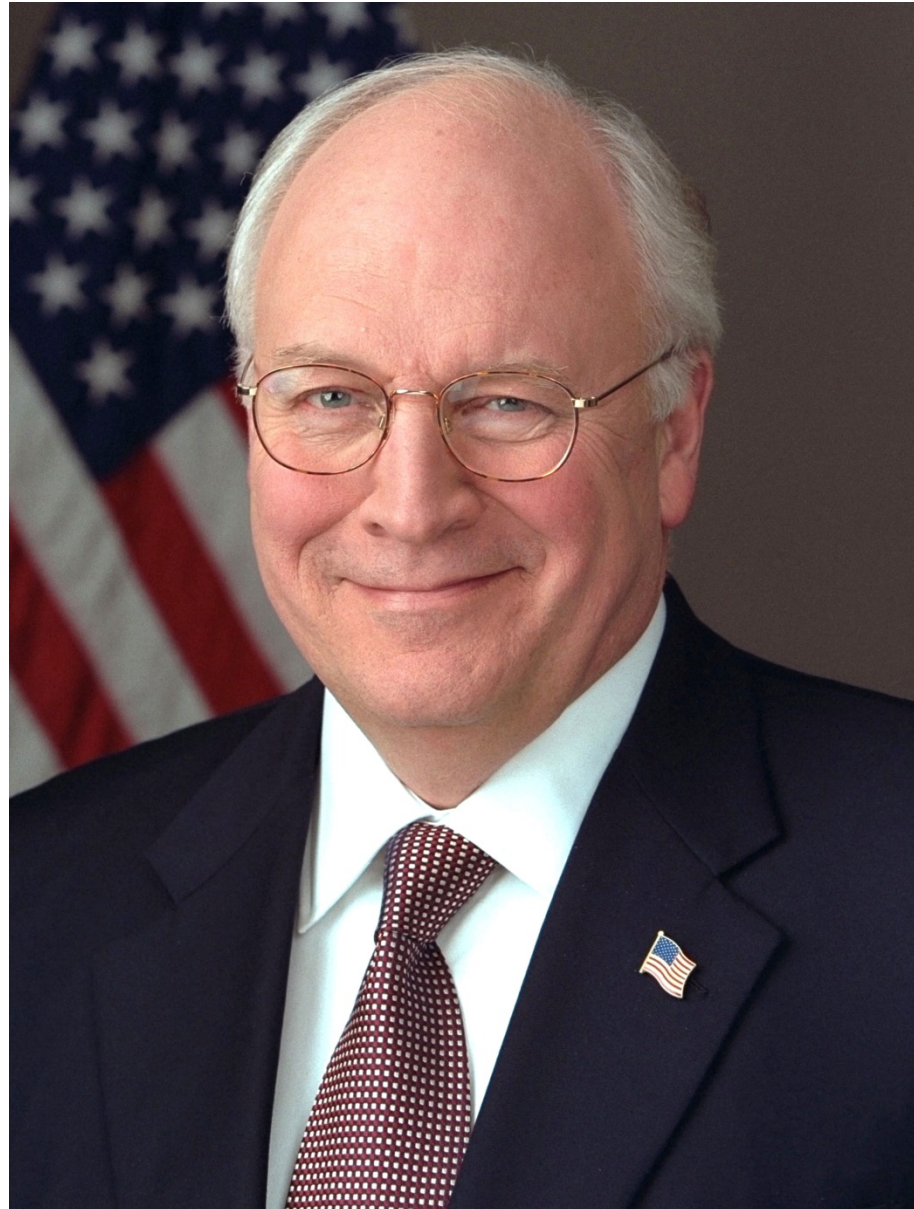
(B) any underground injection for the secondary or tertiary recovery of oil or natural gas,

Unless such requirements are essential to assure that underground sources of drinking water will not be endangered by such injection.

42 U.S.C. § 300h(b)(2)

The term “underground injection” excludes “the underground injection of fluids or propping agents (other than diesel fuels) pursuant to hydraulic fracturing operations related to oil, gas, or geothermal production activities.”

42 U.S.C. § 300h(d).





Affirmance





Jeffrey H. Wood



K. Jack Haugrud



Kristin Bail







Pending Before So-Called Judges:

BLM HF
EPA Methane
Wildearth Guardians

Venting & Flaring
Lease Sales
ONRR Royalty Valuation Rule

WOTUS
Solonex

A Government with Small Hands

- 
- A photograph of Donald Trump speaking at a podium. He is wearing a dark suit, a white shirt, and a blue tie. He has his eyes closed and his hands raised in a gesture of emphasis or prayer. The background is a solid blue color.
- Regulatory Moratorium
 - Congressional Review Act
 - Repeals/Modifications
 - Enforcement Orders

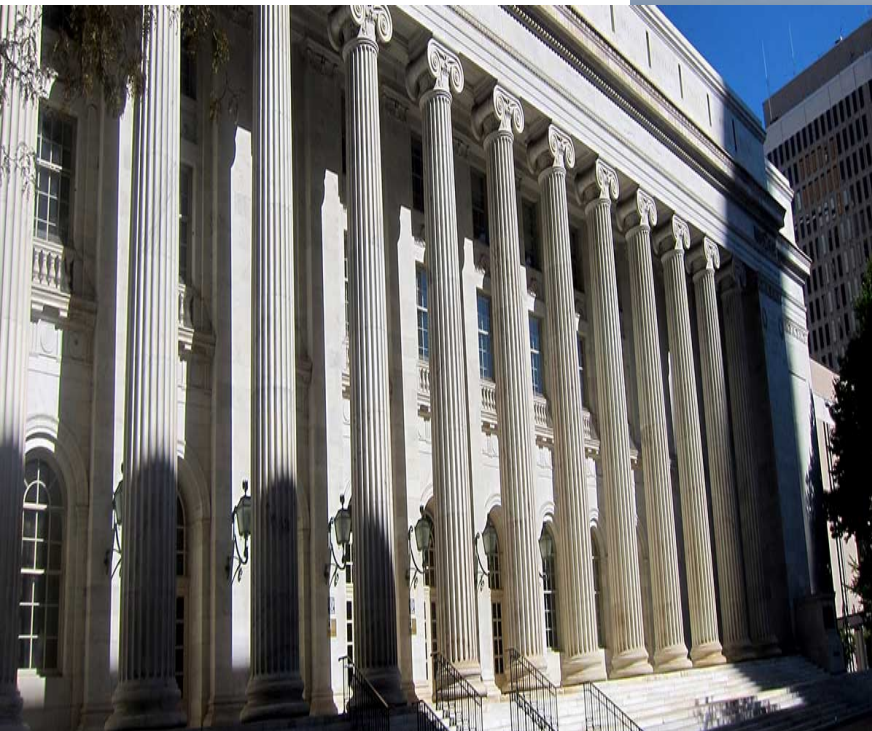
Substantially Similar?

- Venting & Flaring
- Planning 2.0
- National Park Service Oil & Gas
- Onshore Orders 4 & 5









Failing enterprises, losers, haters, enemies, fat slob, low energy politicians, lightweights, and others with low television ratings that might oppose the wise policies of someone with a very high IQ.

BakerHostetler

Atlanta
Chicago
Cincinnati
Cleveland
Columbus
Costa Mesa
Denver
Houston
Los Angeles
New York
Orlando
Philadelphia
Seattle
Washington, DC

bakerlaw.com