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Why Advocates Who Helped Pass Denton's Fracking Ban Now Want to See It Repealed


By [MOSE BUCHELE / KUT NEWS \(/PEOPLE/MOSE-BUCHELE-KUT-NEWS\)](/PEOPLE/MOSE-BUCHELE-KUT-NEWS) • JUN 10, 2015

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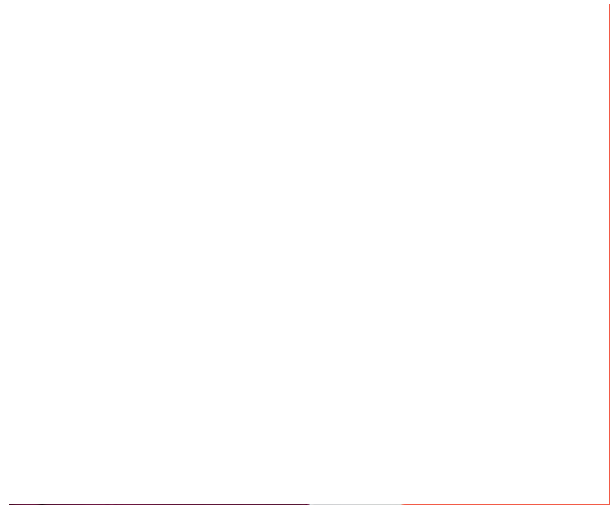
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After a hard-fought campaign to ban hydraulic fracturing wells in Denton, some advocates want the city to repeal its ban.

MOSE BUCHELE/KUT



When voters in Denton banned the oil drilling technique called fracking there last year, the North Texas city took center stage in a national debate over oil and gas, property rights and the environment. But now some of the same people who pushed for the ban are calling to repeal it.

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The reason why is House Bill 40 (<http://www.legis.state.tx.us/Search/DocViewer.aspx?ID=84RHB000403A&QueryText=%22hb+40%22&DocType=A>), a new law that basically stops local governments in Texas from regulating drilling and puts that power in the hands of the state. Opponents call it a gift to oil and gas companies and an attack on local control. Supporters say the law protects the property rights of mineral owners and gives industry that regulatory certainty they need.

Denton Mayor Chris Watts says that means the city's ban is all but moot.

"The city is in the position that we will not enforce our ban because H.B. 40 has rendered it unenforceable," he says.

However, Denton is still facing lawsuits from the oil and gas industry and the state over the ban – even though it's unenforceable. Watts says repealing it could make those lawsuits go away. So far, the legal costs of defending the ban have amounted to \$220,000.

"And that's no small change – don't get me wrong," Watts says. "But it could be considerably higher depending on how far down you move forward down that course."

Some of the activists who worked tirelessly to get the ban passed are now calling for its repeal, but for a different reason.

It will take a court case to challenge H.B. 40, or at least clarify, what type of local regulation the law still allows. Opponents of the law think they might have a better chance defending a town with more modest drilling regulations, instead of an outright ban like Denton.

They worry that a court loss could embolden the industry to challenge other towns that regulate drilling. Deborah Goldberg (<http://earthjustice.org/about/staff/deborah-goldberg>) is a lawyer for the group Earth Justice. She defended Denton's fracking ban, but says it may be smarter for the city to pick its battles before doubling-down on the ban.

Though, repealing a ban that was seen as a hard-fought victory would be a tough pill to swallow for environmentalists and local activists. A Denton City Council meeting last week left the ban on the books even as fracking in the city resumed.

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