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Fracking To Resume In Denton After State Prohibits City Fracturing Bans

By JIM MALEWITZ TEXAS TRIBUNE • MAY 25, 2015

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Nearly seven months after voters made it the first Texas town to ban hydraulic fracturing, Denton is poised to be fracked again.

COOPER NEILL / TEXAS TRIBUNE



Nearly seven months after voters made it the first Texas town to ban hydraulic fracturing, Denton is poised to be fracked again.



Vantage Energy plans to resume fracking operations at eight gas wells in the North Texas city on June 1, the Colorado-based operator has told city officials, and it plans to frack at least eight more wells later in the year – flouting the town’s seven-month-long ban on the controversial technique of blasting apart shale to bolster petroleum production.

But the city won't stand in the company's way, Denton officials announced Friday, saying a new state law – House Bill 40 (<http://txlege.texastribune.org/84/bills/HB40/>) – forbids them from enforcing the ban.

“The hydraulic fracturing ban has, in our opinion, been rendered unenforceable by the State of Texas in HB 40,” the city said in a news release. “The City of Denton, however, will continue to regulate other surface activities related to drilling operations per our existing oil and gas well drilling ordinance.”

Gov. Greg Abbott (<http://www.texastribune.org/directory/greg-abbott/>) signed the law on Monday (<http://www.texastribune.org/2015/05/18/abbott-signs-denton-fracking-bill/>), pre-empting all local efforts to regulate a wide variety of drilling-related activities.

Intended to clarify where local control ends and Texas law begins, HB 40, which cruised through the Legislature, was the most prominent of the flurry of measures (<http://txlege.texastribune.org/topics/energy/combating-local-drilling-ordinances/>) filed in response to Denton's vote to ban hydraulic fracturing (<http://www.texastribune.org/2014/12/15/dissecting-denton-how-texas-city-baned-fracking/>) within city limits.

Nearly 59 percent of voters supported the ban last November (<http://www.texastribune.org/2014/12/15/dissecting-denton-how-texas-city-baned-fracking/>), though oil and gas interests vastly outspent the ban's backers.

There are rumblings about town that some Denton residents – unhappy with the city's decision to stand down – plan to protest around the Vantage well sites, but Cathy McMullen, a home health nurse who organized the push against fracking, said she did not blame city officials.

“Really, their heart's in the right place,” she said. “They're upset about it, but there's just nothing they can do.”

Vantage Energy did not immediately return calls.

Denton's announcement does not help its chances as it defends its fracking ban in court – if litigation even continues.

The Texas Oil and Gas Association – the state's largest petroleum group – and the Texas General Land Office each filed suits against Denton just hours after (<http://www.texastribune.org/2014/11/05/denton-fracking-ban-sees-first-lawsuit/>) the November votes were tallied, calling the ban unconstitutional.

Denton officials have not said how they plan to proceed.

“We are currently seeking resolution and are in continuing discussions with all parties involved,” Lindsey Baker, a city spokeswoman, told The Texas Tribune on Friday.

The Texas Tribune provided this story. (<http://www.texastribune.org/2015/05/22/despite-ban-fracking-resume-denton/>)

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