

2 State of Arkansas
3 88th General Assembly
4 Regular Session, 2011

As Engrossed: H3/15/11

A Bill

HOUSE BILL 1396

5
6 By: Representative Webb

7 Filed with: Interim House Committee on Agriculture, Forestry and Economic Development
8 pursuant to A.C.A. §10-3-217.

For An Act To Be Entitled

9 AN ACT TO REQUIRE FULL DISCLOSURE REGARDING NATURAL
10 GAS DRILLING CHEMICALS; AND FOR OTHER PURPOSES.
11

Subtitle

12 AN ACT TO REQUIRE FULL DISCLOSURE
13 REGARDING NATURAL GAS DRILLING CHEMICALS.
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19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

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21 *SECTION 1. Arkansas Code § 15-72-201 is amended to read as follows:*
22 *15-72-201. Definitions.*

23 *As used in this act, unless the context otherwise requires:*

24 *(1) "Additive" means any substance or combination of substances,*
25 *including proppant, having a specified purpose that is combined with a*
26 *hydraulic fracturing fluid;*

27 *(2) "Chemical abstract service" means the chemical registry that is*
28 *the authoritative collection of disclosed chemical substance information;*

29 *(3) "Chemical constituent" means a discrete chemical with its own*
30 *specific name or identity, including without limitation a chemical abstract*
31 *service number, that is contained in an additive;*

32 *(4)(A) "Drilling fluid" means a number of liquid and gaseous fluids*
33 *and mixtures of fluids and solids, including without limitation solid*
34 *suspensions, mixtures, and emulsions of liquids, gases, cuttings, and other*
35 *solids, utilized during oil or gas drilling operations.*

36 *(B) "Drilling fluid" is generally synonymous with drilling mud;*

1 (5)(A) "Drilling mud" includes all types of water-based, oil-based,
2 and synthetic-based drilling fluids.

3 (B) "Drilling mud" typically contains bentonitic clays, chemical
4 additives, foaming agents, lubricants, emulsifiers, and weighting materials,
5 and encompasses most muds used in drilling operations, especially muds that
6 contain significant amounts of suspended solids, emulsified water or oil;

7 (6) "Hydraulic fracturing fluid" means the base fluid type utilized in
8 a particular hydraulic fracturing treatment;

9 ~~(1)~~(7) "Operator" means the person who has the right to enter upon the
10 lands of another for the purpose of exploring, drilling, and developing for
11 the production of brine, oil, gas, and all other petroleum hydrocarbons;

12 ~~(2)~~(8) "Person" means any natural person, corporation, association,
13 partnership, trustee, guardian, executor, administrator, fiduciary, or
14 representative of any kind; ~~and~~

15 (9) "Substance" means all drilling and hydraulic fracturing fluids,
16 additives, and chemical constituents; and

17 ~~(3)~~(10) "Surface owner" means the owner or owners of record of the
18 surface of the property on which the drilling operation is to occur.

19
20 SECTION 2. Arkansas Code Title 15, Chapter 72, Subchapter 2 is amended
21 to add an additional section to read as follows:

22 15-72-220. Hydraulic fracturing treatment disclosure.

23 The Arkansas Oil and Gas Commission shall develop rules by the
24 effective date of this act to amend Rule B-19 for hydraulic fracturing
25 treatment to require that oil and gas developers, before and after a
26 hydraulic fracturing treatment, publicly disclose the:

27 (1) Projected and actual volume and source of the water used in
28 the operation;

29 (2)(A) The projected and actual chemical abstract service number
30 and volume of each substance used in drilling and hydraulic fracturing
31 treatment of the well.

32 (B) The trade secrets exemption for disclosure of the
33 chemicals shall follow the federal standards set out in the Emergency
34 Planning and Community Right to Know Act and its implementing regulations in
35 40 C.F.R. Pt. 350, as in effect on January 1, 2011;

36 (3) Projected and actual content of the drilling fluid;

