

# Hall of the House of Representatives

88th General Assembly - Regular Session, 2011

## Amendment Form

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### Subtitle of House Bill No. 1395

AN ACT TO PROTECT AIR QUALITY IN THE VICINITY OF NATURAL GAS DRILLING  
FIELDS.

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### Amendment No. 1 to House Bill No. 1395

Amend House Bill No. 1395 as originally introduced:

Delete everything after the enacting clause and substitute:

"SECTION 1. Arkansas Code Title 15, Chapter 72, Subchapter 2 is amended to add additional sections to read as follows:

15-72-220. Hydraulic fracturing treatment – Air quality.

The Arkansas Pollution Control and Ecology Commission shall initiate rulemaking on the effective date of this act to:

(1) Require that an oil and gas developer take all economically feasible measures to reduce or eliminate air emissions during gas drilling, production, transportation, and waste disposal; and

(2)(A)(i) Require an oil and gas developer to monitor and report air quality for air pollutants regulated under either the Clean Air Act, 42 U.S.C. § 7401 et seq., or Arkansas law if:

(a) A drill pad is within one thousand feet (1,000') of a habitable dwelling; or

(b) The Arkansas Department of Environmental Quality determines that there is a reasonable risk of air pollution due to the cumulative effect of multiple wells located in the same geographic area.

(ii) The Arkansas Department of Environmental Quality shall:

(a) Treat the source for permitting purposes consistent with the federal aggregation definitions under 40 C.F.R. 52.21(b)(6); and

(b) Rescind general compressor permit 1868-AGP-00 unless it can establish that all compressors are permitted consistent with these factors.

(B) The department may lower by regulation the amount of air pollutants that trigger the air permit requirement;

(3)(A) Develop a program for estimating the emissions of criteria and hazardous air pollutants from the entire gas development sector including mobile sources.



(B) Mobile sources shall include without limitation:

- (i) Drill rigs;
- (ii) Diesel trucks;
- (iii) Hydraulic fracturing pumps;
- (iv) Well completions;
- (v) Pipelines;
- (vi) Valves;
- (vii) Dehydrators;
- (viii) Compressors; and
- (ix) Tanks;

(4)(A) Require the Arkansas Department of Environmental Quality to provide additional air monitoring to residents with complaints about air quality within ten (10) days if the department determines there is a reasonable risk of air emission standards being violated.

(B) The department shall make all reasonable efforts to provide additional air monitoring within forty-eight (48) hours if the alleged air quality violations are reasonably suspected to be caused by short-term activities such as hydraulic fracturing; and

(5) Require the Arkansas Department of Environmental Quality to evaluate its network of air monitors and ensure that permanent air monitors sufficient to protect the public health and the environment are located in the counties where natural gas development is occurring.

15-72-221. Powers and duties.

(a) The Arkansas Pollution Control and Ecology Commission has the authority and the affirmative duty under the Arkansas Water and Air Pollution Control Act, Arkansas Code § 8-4-101 et seq., to make rules to prevent any person, including the owner, operator, or contractor involved in oil and gas operations, from causing air pollution, as prohibited by Arkansas Code § 8-4-310(a)(1);

(b) Gas production activities can cause significant air pollution, in part because many individual relatively minor sources such as individual wells in a field may combine to be a cumulatively major source of air pollution; and

(c) Air pollution from major sources and cumulatively major sources must be controlled to protect public health and the environment."

The Amendment was read \_\_\_\_\_  
By: Representative Webb  
JSE/JSE - 03/10/11 01:08  
JSE197

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Chief Clerk