

Hall of the House of Representatives

88th General Assembly - Regular Session, 2011

Amendment Form

Subtitle of House Bill No. 1396

AN ACT TO REQUIRE FULL DISCLOSURE REGARDING NATURAL GAS DRILLING
CHEMICALS.

Amendment No. 1 to House Bill No. 1396

Amend House Bill No. 1396 as originally introduced:

Delete Section 1 in its entirety and substitute the following:

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

15-72-220. Hydraulic fracturing treatment disclosure.

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

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

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

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

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

(4) Volume of produced water that returned to the surface;

(5) Explanation of how all fluid and solid waste from the operation will be and were disposed;

(6) Location of all surface and underground water sources within one (1) mile of the drill site and plans to mitigate damage to those sources;

(7) Location of all fault lines and fissures within one (1) mile of a gas drill site or salt injection site;

(8) Number, size, and location of impoundments used to collect water for the drilling processes; and

(9)(A) The name, address, and details of the responsible party for maintaining the gas well site or salt injection well site once the well has been depleted, reached capacity, or closed down for any reason.

(B) Details are to include without limitation information concerning the inspection, maintenance, and clean up of any natural or unnatural disaster."

The Amendment was read _____
By: Representative Webb
MMC/MMC - 03/14/11 10:55
MMC222

Chief Clerk