



Sen. Michael W. Frerichs

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LRB097 19968 CEL 68291 a

1 AMENDMENT TO SENATE BILL 3280

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 3280 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Oil and Gas Act is amended by  
5 adding Section 6.8 as follows:

6 (225 ILCS 725/6.8 new)

7 Sec. 6.8. Extraction of hydrocarbons from shale using  
8 hydraulic fracturing.

9 (a) The Department, by rule, shall:

10 (1) require an operator of a well on which a hydraulic  
11 fracturing treatment is performed to:

12 (A) complete the form posted on the hydraulic  
13 fracturing chemical registry Internet website of the  
14 Ground Water Protection Council and the Interstate Oil  
15 and Gas Compact Commission with regard to the well;

16 (B) include in the form completed under

1           subparagraph (A):

2                   (i) the total volume of water used in the  
3                   hydraulic fracturing treatment; and

4                   (ii) each chemical ingredient that is subject  
5                   to the requirements of 29 C.F.R. 1910.1200(q)(2),  
6                   as provided by a service company, chemical  
7                   supplier, or by the operator, if the operator  
8                   provides its own chemical ingredients;

9                   (C) post the completed form described by  
10                   subparagraph (A) on the website described by that  
11                   subparagraph or, if the website is discontinued or  
12                   permanently inoperable, post the completed form on  
13                   another publicly accessible Internet website specified  
14                   by the Department;

15                   (D) submit the completed form described by  
16                   subparagraph (A) to the Department with the well  
17                   completion report for the well; and

18                   (E) in addition to the completed form specified in  
19                   subparagraph (D), provide to the Department a list, to  
20                   be made available on the Internet website of the Ground  
21                   Water Protection Council and the Interstate Oil and Gas  
22                   Compact Commission or, if necessary, another publicly  
23                   accessible website, of all other chemical ingredients  
24                   not listed on the completed form that were  
25                   intentionally included and used for the purpose of  
26                   creating a hydraulic fracturing treatment for the

1           well; the Department, by rule, shall ensure that an  
2           operator, service company, or supplier is not  
3           responsible for disclosing ingredients that:

4                   (i) were not purposely added to the hydraulic  
5                   fracturing treatment;

6                   (ii) occur incidentally or are otherwise  
7                   unintentionally present in the treatment; or

8                   (iii) in the case of the operator, are not  
9                   disclosed to the operator by a service company or  
10                   supplier; the rule shall not require that the  
11                   ingredients be identified based on the additive in  
12                   which they are found or that the concentration of  
13                   such ingredients be provided;

14           (2) require a service company that performs a hydraulic  
15           fracturing treatment on a well or a supplier of an additive  
16           used in a hydraulic fracturing treatment on a well to  
17           provide the operator of the well with the information  
18           necessary for the operator to comply with paragraph (1);

19           (3) prescribe a process by which an entity required to  
20           comply with paragraph (1) or (2) may withhold and declare  
21           certain information as a trade secret, including, but not  
22           limited to, the Chemical Abstract Service Number and amount  
23           of the chemical ingredient used in a hydraulic fracturing  
24           treatment;

25           (4) require a person who desires to challenge a claim  
26           of entitlement to trade secret protection under paragraph

1       (3) to file the challenge not later than the second  
2       anniversary of the date the relevant well completion report  
3       is filed with the Department;

4       (5) limit the persons who may challenge a claim of  
5       entitlement to trade secret protection under paragraph (3)  
6       to:

7               (A) a surface fee title owner or his or her  
8               agricultural farm tenant who has been directly and  
9               substantially affected or aggrieved by the hydraulic  
10              fracturing treatment; or

11              (B) a department or agency of this State with  
12              jurisdiction over a matter to which the claimed trade  
13              secret is relevant;

14       (6) require, in the event of a trade secret challenge,  
15       that the Department promptly notify the service company  
16       performing the hydraulic fracturing treatment on the  
17       relevant well, the supplier of the additive or chemical  
18       ingredient for which the trade secret claim is made, or any  
19       other owner of the trade secret being challenged and  
20       provide the owner an opportunity to substantiate its trade  
21       secret claim;

22       (7) prescribe a process, consistent with 29 C.F.R.  
23       1910.1200, for an entity described by paragraph (1) or (2)  
24       to provide information, including information that is a  
25       trade secret as defined by Appendix D to 29 C.F.R.  
26       1910.1200, to a health professional or emergency responder

1 who needs the information in accordance with subsection (i)  
2 of that section of 29 C.F.R. 1910.1200;

3 (8) require, prior to such hydraulic fracturing, the  
4 owner or operator to perform a suitable mechanical  
5 integrity test of the casing or of the casing-tubing  
6 annulus or other mechanical integrity test methods using  
7 procedures that are established by administrative rule;  
8 and

9 (9) require, during the well stimulation operation,  
10 that the owner or operator monitor and record the annulus  
11 pressure using procedures that are established by  
12 administrative rule.

13 (b) The protection and challenge of trade secrets under  
14 this Section is governed by subsection (g) of Section 7 of the  
15 Freedom of Information Act.

16 (c) The owner or operator shall provide information to the  
17 Department as to the amounts, handling, and, if necessary,  
18 disposal at an identified appropriate disposal facility, or  
19 reuse of the well stimulation fluid load recovered during flow  
20 back, swabbing, or recovery from production facility vessels.  
21 Storage of the well stimulation fluid load shall be protective  
22 of an underground source of drinking water by the use of either  
23 tanks or lined pits.

24 (d) This Section applies only to the extraction of  
25 hydrocarbons from shale.

26 (e) The Department shall adopt any other rules necessary to

1 regulate hydraulic fracturing and corollary issues related to  
2 hydraulic fracturing.".