

Amend, on third reading, the amendment by Martinez Fischer to CSSB 660 that was adopted on second reading by striking the amendment and substituting the following:

Amend CSSB 660 by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Chapter 91, Natural Resources Code, is amended by adding Subchapter S to read as follows:

SUBCHAPTER S. DISCLOSURE OF WATER USAGE AND COMPOSITION OF
HYDRAULIC FRACTURING FLUIDS

Sec. 91.851. DISCLOSURE OF WATER USAGE AND COMPOSITION OF
HYDRAULIC FRACTURING FLUIDS. (a) Texas Water Development Board
shall use the data provided by an annual report submitted by the
commission indicating total water usage reported by operators under
this subchapter for statewide water planning purposes.

(b) The commission by rule shall:

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

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

(B) include in the form completed under Paragraph
(A):

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

(ii) each chemical ingredient that is
subject to the requirements of 29 C.F.R. Section 1910.1200(g)(2);

(C) post the completed form described by
Paragraph (A) on the website described by that paragraph or, if the
website is discontinued or permanently inoperable, post the
completed form on another publicly accessible Internet website
specified by the commission;

(D) submit the completed form described by
Paragraph (A) to the commission with the well completion report for
the well; and

(E) in addition to the completed form specified

in Paragraph (D), provide to the commission a list, to be made available on a publicly accessible website, of all other chemical ingredients not listed on the completed form that were intentionally included and used for the purpose of creating a hydraulic fracturing treatment for the well. The commission rule shall ensure that an operator, service company, or supplier is not responsible for disclosing ingredients that:

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

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

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

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

(3) prescribe a process by which an entity required to comply with Subdivision (1) or (2) may withhold and declare certain information as a trade secret for purposes of Section 552.110, Government Code, including the identity and amount of the chemical ingredient used in a hydraulic fracturing treatment;

(4) require a person who desires to challenge a claim of entitlement to trade secret protection under Subdivision (3) to file the challenge not later than the second anniversary of the date the relevant well completion report is filed with the commission;

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

(A) the landowner on whose property the relevant well is located;

(B) a landowner who owns property adjacent to property described by Paragraph (A); or

(C) a department or agency of this state; and

(6) prescribe an efficient process for an entity described by Subdivision (1) or (2) to provide information, including information that is a trade secret as defined by Appendix D to 29 C.F.R. Section 1910.1200, to a health professional or emergency responder who needs the information in accordance with Subsection (i) of that section.

(c) The commission shall provide an annual report of the total water usage reported under this subchapter to the Texas Water Development Board.

SECTION _____. Subchapter S, Chapter 91, Natural Resources Code, as added by this Act, applies only to a hydraulic fracturing treatment performed on a well for which an initial drilling permit is issued on or after the date the initial rules adopted by the Railroad Commission of Texas under that subchapter take effect. A hydraulic fracturing treatment performed on a well for which an initial drilling permit is issued before the date the initial rules take effect is governed by the law as it existed immediately before the effective date of this Act, and that law is continued in effect for that purpose.

SECTION _____. The Railroad Commission of Texas shall adopt rules under Subchapter S, Chapter 91, Natural Resources Code, as added by this Act, not later than January 1, 2012.