

By: Davis

S.B. No. 1049

A BILL TO BE ENTITLED

AN ACT

relating to the disclosure of information regarding hydraulic fracturing treatment operations.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter B, Chapter 91, Natural Resources Code, is amended by adding Section 91.020 to read as follows:

Sec. 91.020. DISCLOSURE OF INFORMATION REGARDING HYDRAULIC FRACTURING TREATMENT OPERATIONS. (a) In this section:

(1) "Additive" means any substance or combination of substances having a specified purpose that is combined with a base fluid and a proppant to create a fracturing fluid.

(2) "Chemical Abstracts Service" or "CAS" 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, such as a CAS number, that is contained in an additive.

(4) "Hydraulic fracturing treatment" means the stimulation of a well by the application of a base stimulation fluid containing a proppant with force in order to create artificial fractures in a formation for the purpose of improving the well's capacity to produce hydrocarbons.

(b) The commission shall adopt rules requiring the owner or operator of a well on which hydraulic fracturing treatment

1 operations have been performed or a person who has performed  
2 hydraulic fracturing treatment operations on a well to disclose to  
3 the commission in writing information regarding the operations,  
4 following the completion of those operations.

5 (c) At a minimum, rules adopted under this section must  
6 require the owner or operator of the well or the person who performs  
7 the hydraulic fracturing treatment operations to disclose:

8 (1) the type and volume of the base stimulation fluid  
9 and proppant used for each stage of the hydraulic fracturing  
10 treatment operations;

11 (2) the general type of additives used in the  
12 hydraulic fracturing treatment operations, such as acid, biocide,  
13 breaker, corrosion inhibitor, crosslinker, demulsifier, friction  
14 reducer, gel, iron control, oxygen scavenger, pH adjusting agent,  
15 scale inhibitor, or surfactant;

16 (3) the specific additives used in the hydraulic  
17 fracturing treatment operations and the actual concentration of  
18 each additive, expressed as pounds per thousand gallons or gallons  
19 per thousand gallons;

20 (4) all chemical constituents used in the hydraulic  
21 fracturing treatment operations and their associated CAS numbers;  
22 and

23 (5) any documentation necessary to demonstrate the  
24 accuracy of the information provided.

25 (d) Notwithstanding Subsection (c)(4), if a chemical  
26 constituent used in a hydraulic fracturing treatment operation and  
27 its associated CAS number are subject to 42 U.S.C. Section 11042,

1 the rules adopted under this section may permit the owner or  
2 operator of the well or the person who performed the hydraulic  
3 fracturing treatment operations to withhold the name of the  
4 chemical constituent and its associated CAS number and, in lieu of  
5 disclosing the information, submit a claim of entitlement to  
6 withhold the information and disclose the chemical family  
7 associated with the chemical constituent and the associated CAS  
8 number of the chemical family.

9         SECTION 2. The Railroad Commission of Texas shall adopt  
10 rules under Section 91.020, Natural Resources Code, as added by  
11 this Act, not later than February 1, 2012.

12         SECTION 3. This Act takes effect September 1, 2011.