

By: Dukes

H.B. No. 448

A BILL TO BE ENTITLED

AN ACT

1
2 relating to a requirement that the operator of an oil or gas well on
3 which a hydraulic fracturing treatment is to be performed mail a
4 list of the chemicals to be used in the treatment to persons
5 residing near the well.

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

7 SECTION 1. The heading to Section 91.851, Natural Resources
8 Code, is amended to read as follows:

9 Sec. 91.851. PUBLIC DISCLOSURE OF COMPOSITION OF HYDRAULIC
10 FRACTURING FLUIDS FOLLOWING PERFORMANCE OF HYDRAULIC FRACTURING
11 TREATMENT.

12 SECTION 2. Subchapter S, Chapter 91, Natural Resources
13 Code, is amended by adding Section 91.852 to read as follows:

14 Sec. 91.852. DISCLOSURE TO NEARBY RESIDENTS OF CHEMICAL
15 INGREDIENTS ANTICIPATED TO BE USED IN HYDRAULIC FRACTURING
16 TREATMENT. (a) The commission by rule shall require an operator of
17 a well on which a hydraulic fracturing treatment is to be performed
18 to mail to each person residing within 500 feet of the well a list of
19 the chemical ingredients that the operator:

20 (1) anticipates will be used in the hydraulic
21 fracturing treatment; and

22 (2) is required to disclose to the commission under
23 Section 91.851.

24 (b) The rules adopted under this section must:

1 (1) require the notice to be mailed not later than the
2 30th day before the date the hydraulic fracturing treatment begins;
3 and

4 (2) prescribe a process by which:

5 (A) the operator may withhold and declare the
6 identity of a chemical ingredient anticipated to be used in the
7 hydraulic fracturing treatment as a trade secret; and

8 (B) a person to whom the notice is required to be
9 mailed may challenge a claim by the operator of entitlement to trade
10 secret protection under Paragraph (A).

11 SECTION 3. Section 91.852, Natural Resources Code, as added
12 by this Act, applies only to a hydraulic fracturing treatment
13 performed on a well for which an initial drilling permit is issued
14 on or after the date the rules adopted by the Railroad Commission of
15 Texas under that section take effect. A hydraulic fracturing
16 treatment performed on a well for which an initial drilling permit
17 is issued before the date the rules take effect is governed by the
18 law as it existed immediately before the effective date of this Act,
19 and that law is continued in effect for that purpose.

20 SECTION 4. The Railroad Commission of Texas shall adopt
21 rules under Section 91.852, Natural Resources Code, as added by
22 this Act, not later than December 1, 2013.

23 SECTION 5. This Act takes effect September 1, 2013.