

By: Guillen

H.B. No. 3001

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the information that an operator of a well on which a
3 hydraulic fracturing treatment is performed is required to
4 disclose.

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

6 SECTION 1. Section 91.851(a), Natural Resources Code, is
7 amended to read as follows:

8 (a) The commission by rule shall:

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

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

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

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

19 (ii) the source, volume, specific
20 composition, and disposition of all water associated with the well,
21 including the following information with respect to the water used
22 as a base fluid for the well:

23 (a) a statement of whether the water
24 was produced from a well, was acquired from a water supplier, or was

1 diverted from a surface water body; and

2 (b) the composition of the water,
3 including the total dissolved solids and a description of any major
4 or minor cations and anions contained in the water; and

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

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

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

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

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

27 (ii) occur incidentally or are otherwise

1 unintentionally present in the treatment; or

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

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

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

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

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

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

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

27 (C) a department or agency of this state with

1 jurisdiction over a matter to which the claimed trade secret is
2 relevant;

3 (6) require, in the event of a trade secret challenge,
4 that the commission promptly notify the service company performing
5 the hydraulic fracturing treatment on the relevant well, the
6 supplier of the additive or chemical ingredient for which the trade
7 secret claim is made, or any other owner of the trade secret being
8 challenged and provide the owner an opportunity to substantiate its
9 trade secret claim; and

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

16 SECTION 2. The Railroad Commission of Texas shall adopt
17 rules under Section [91.851\(a\)](#), Natural Resources Code, as amended
18 by this Act, not later than December 1, 2015.

19 SECTION 3. Section [91.851\(a\)](#), Natural Resources Code, as
20 amended by this Act, applies only to a hydraulic fracturing
21 treatment performed on a well for which an initial drilling permit
22 is issued on or after the date the rules adopted by the Railroad
23 Commission of Texas under that subsection as amended by this Act
24 take effect. A hydraulic fracturing treatment performed on a well
25 for which an initial drilling permit is issued before the date the
26 rules take effect is governed by the law as it existed immediately
27 before the effective date of this Act, and that law is continued in

1 effect for that purpose.

2 SECTION 4. This Act takes effect September 1, 2015.