



Sen. Michael W. Frerichs

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09700SB3280sam003

LRB097 19968 CEL 68106 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 identity and amount of the chemical
23 ingredient used in a hydraulic fracturing treatment;

24 (4) require a person who desires to challenge a claim
25 of entitlement to trade secret protection under paragraph
26 (3) to file the challenge not later than the second

1 anniversary of the date the relevant well completion report
2 is filed with the Department;

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

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

8 (B) a landowner who owns property adjacent to
9 property described by subparagraph (A); or

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

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

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

1 of that section of 29 C.F.R. 1910.1200;

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

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

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

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

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

25 (e) The Department shall adopt any other rules necessary to
26 regulate hydraulic fracturing and corollary issues related to

1 hydraulic fracturing.".