

1 HOUSE BILL 187

2 **50TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2012**

3 INTRODUCED BY

4 Brian F. Egolf

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10 AN ACT

11 RELATING TO OIL AND GAS; PROVIDING FOR PUBLIC SAFETY; ENACTING
12 A NEW SECTION OF THE OIL AND GAS ACT TO PROVIDE FOR THE
13 DISCLOSURE OF THE COMPOSITION OF HYDRAULIC FRACTURING FLUIDS
14 USED IN HYDRAULIC FRACTURING TREATMENTS.

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16 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

17 SECTION 1. A new section of the Oil and Gas Act is
18 enacted to read:

19 "[NEW MATERIAL] DISCLOSURE OF COMPOSITION OF HYDRAULIC
20 FRACTURING FLUIDS.--The legislature finds that disclosure of
21 the components of hydraulic fracturing fluid is necessary to
22 protect the public safety. Therefore, the oil conservation
23 commission shall adopt rules, which shall become effective on
24 January 1, 2013, that:

25 A. require an operator of a well on which a

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1 hydraulic fracturing treatment is performed to:

2 (1) complete and post the hydraulic fracturing
3 chemical registry form on the internet web sites of the ground
4 water protection council and the interstate oil and gas compact
5 commission with regard to the well, including the total volume
6 of water used in the hydraulic fracturing treatment and each
7 chemical ingredient used in the hydraulic fracturing treatment,
8 regardless of whether the ingredient is subject to the
9 requirements of 29 C.F.R. Section 1910.1200(g)(2);

10 (2) if the web sites as provided in Paragraph
11 (1) of this subsection are discontinued or permanently
12 inoperable, post the completed form on another publicly
13 accessible internet web site specified by the commission; and

14 (3) submit the completed form to the
15 commission with the well completion report for the well;

16 B. require a service company that performs a
17 hydraulic fracturing treatment on a well or a supplier of an
18 additive used in a hydraulic fracturing treatment on a well to
19 provide the operator of the well with the information necessary
20 for the operator to comply with this section;

21 C. prescribe a process by which an entity required
22 to comply with this section may designate certain information,
23 including the identity and amount of a chemical ingredient used
24 in a hydraulic fracturing treatment, as a trade secret for
25 purposes of 40 C.F.R. Part 350, Subpart A;

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1 D. require a person who desires to challenge a
2 claim of entitlement to trade secret protection pursuant to
3 this section to file the challenge not later than the second
4 anniversary of the date that the relevant well completion
5 report is filed with the commission;

6 E. limit the persons who may challenge a claim of
7 entitlement to trade secret protection to:

8 (1) the landowner on whose property the
9 relevant well is located;

10 (2) a landowner who owns property adjacent to
11 property described in Paragraph (1) of this subsection; or

12 (3) a department or agency of this state; and

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