

SB3280 Engrossed

LRB097 19968 CEL 65265 b

1 AN ACT concerning regulation.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

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  
17 subparagraph (A):

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

20 (ii) each chemical ingredient that is subject  
21 to the requirements of 29 C.F.R. 1910.1200(g)(2),  
22 as provided by a service company, chemical  
23 supplier, or by the operator, if the operator

SB3280 Engrossed

- 2 -

LRB097 19968 CEL 65265 b

1 provides its own chemical ingredients;

2 (C) post the completed form described by  
3 subparagraph (A) on the website described by that  
4 subparagraph or, if the website is discontinued or

5 permanently inoperable, post the completed form on  
6 another publicly accessible Internet website specified  
7 by the Department;

8 (D) submit the completed form described by  
9 subparagraph (A) to the Department with the well  
10 completion report for the well; and

11 (E) in addition to the completed form specified in  
12 subparagraph (D), provide to the Department a list, to  
13 be made available on the Internet website of the Ground  
14 Water Protection Council and the Interstate Oil and Gas  
15 Compact Commission or, if necessary, another publicly  
16 accessible website, of all other chemical ingredients  
17 not listed on the completed form that were  
18 intentionally included and used for the purpose of  
19 creating a hydraulic fracturing treatment for the  
20 well; the Department, by rule, shall ensure that an  
21 operator, service company, or supplier is not  
22 responsible for disclosing ingredients that:

23 (i) were not purposely added to the hydraulic  
24 fracturing treatment;

25 (ii) occur incidentally or are otherwise  
26 unintentionally present in the treatment; or

SB3280 Engrossed

- 3 -

LRB097 19968 CEL 65265 b

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

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

12 (3) prescribe a process by which an entity required to  
13

14 comply with paragraph (1) or (2) may withhold and declare  
15 certain information as a trade secret, including, but not  
16 limited to, the Chemical Abstract Service Number and amount  
17 of the chemical ingredient used in a hydraulic fracturing  
18 treatment;

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

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

26 (A) a surface fee title owner or his or her

SB3280 Engrossed

- 4 -

LRB097 19968 CEL 65265 b

1 agricultural farm tenant who has been directly and  
2 substantially affected or aggrieved by the hydraulic  
3 fracturing treatment; or

4 (B) a department or agency of this State with  
5 jurisdiction over a matter to which the claimed trade  
6 secret is relevant;

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

15 (7) prescribe a process, consistent with 29 C.F.R.  
16 1910.1200, for an entity described by paragraph (1) or (2)  
17 to provide information, including information that is a  
18 trade secret as defined by Appendix D to 29 C.F.R.  
19 1910.1200, to a health professional or emergency responder  
20 who needs the information in accordance with subsection (i)  
21

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

22           (8) require, prior to such hydraulic fracturing, the  
23           owner or operator to perform a suitable mechanical  
24           integrity test of the casing or of the casing-tubing  
25           annulus or other mechanical integrity test methods using  
26           procedures that are established by administrative rule;

SB3280 Engrossed

- 5 -

LRB097 19968 CEL 65265 b

1           and

2           (9) require, during the well stimulation operation,  
3           that the owner or operator monitor and record the annulus  
4           pressure using procedures that are established by  
5           administrative rule.

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

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

17           (d) This Section applies only to the extraction of  
18           hydrocarbons from shale.

19           (e) The Department shall adopt any other rules necessary to  
20           regulate hydraulic fracturing and corollary issues related to  
21           hydraulic fracturing.