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# HOUSE BILL No. 1209

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 14-8-2-19.5; IC 14-37-7-8.5.

**Synopsis:** Environmental review of hydraulic fracturing. Requires an owner or operator of a well for oil and gas purposes to submit an environmental compliance plan (plan) to the department of natural resources (department) for review and approval of the plan before performing hydraulic fracturing. Requires that the plan contain certain information, including the chemical constituents to be used in the hydraulic fracturing, a description of the geology of the area where the well is located, and a pollution risk analysis. Provides that proprietary or trade secret information need not be disclosed in the plan, but that the department may require disclosure of the proprietary or trade secret information in case of a medical emergency. Requires the department to publish approved plans on its web site. Requires the department to prescribe processes for approving plans and for the disclosure of proprietary information in a medical emergency.

**Effective:** July 1, 2013.

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January 10, 2013, read first time and referred to Committee on Natural Resources.

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First Regular Session 118th General Assembly (2013)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2012 Regular Session of the General Assembly.

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# HOUSE BILL No. 1209



A BILL FOR AN ACT to amend the Indiana Code concerning natural and cultural resources.

*Be it enacted by the General Assembly of the State of Indiana:*

1 SECTION 1. IC 14-8-2-19.5, AS ADDED BY P.L.16-2012,  
2 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3 JULY 1, 2013]: Sec. 19.5. "Base fluid", for purposes of ~~IC 14-37-3-8~~,  
4 **IC 14-37**, means a fluid into which additives are mixed to form the  
5 hydraulic fracturing fluid that transports proppants into a geologic  
6 formation.

7 SECTION 2. IC 14-37-7-8.5 IS ADDED TO THE INDIANA CODE  
8 AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JULY  
9 1, 2013]: **Sec. 8.5. (a) This section applies to hydraulic fracturing  
10 operations that begin or increase the production area of a well for  
11 oil and gas purposes after June 30, 2013.**

12 **(b) An owner or operator:**  
13 **(1) shall submit an environmental compliance plan to the  
14 department for review; and**  
15 **(2) must receive the department's approval of the plan;  
16 before hydraulic fracturing operations begin or increase the  
17 production area of a well for oil and gas purposes.**



1 (c) An environmental compliance plan submitted under  
2 subsection (b) must include the following:

3 (1) The location and total depth of the well for oil and gas  
4 purposes.

5 (2) The volume and source of the base fluid to be used in the  
6 hydraulic fracturing.

7 (3) A description of each additive product to be used in the  
8 hydraulic fracturing.

9 (4) The volume of each additive product to be used in the  
10 hydraulic fracturing, expressed as a maximum percentage of  
11 the total fracturing fluid volume.

12 (5) The maximum surface treating pressure and injection  
13 treating pressure to be used in the hydraulic fracturing.

14 (6) A detailed geographic analysis of the well for oil and gas  
15 purposes and its surrounding area, including the rock type  
16 and the direction and magnitude of regional tectonic stresses.

17 (7) The results of any pre-drilling or pre-alteration survey  
18 performed on the well for oil and gas purposes with respect to  
19 conducting hydraulic fracturing.

20 (8) An analysis of whether the proposed hydraulic fracturing  
21 will pollute or otherwise endanger water or land in Indiana.

22 (9) Any other information required by the department.

23 Except as provided in subsection (f), an owner or operator is not  
24 required to submit to the department proprietary chemical  
25 formulas or trade secret information related to hydraulic  
26 fracturing.

27 (d) The department shall prescribe a process for reviewing and  
28 approving an environmental compliance plan submitted under this  
29 section that includes:

30 (1) the effect of performing hydraulic fracturing on  
31 compliance with the federal Safe Drinking Water Act (Public  
32 Law 95-523, as amended by Public Law 96-502, 42 U.S.C. 300f  
33 et seq.);

34 (2) whether hydraulic fracturing will pollute or otherwise  
35 endanger water or land in Indiana; and

36 (3) additional topics that the department considers necessary.

37 In reviewing the plan, the department shall use data, maps, and  
38 other publications made available by the Indiana geological survey.

39 (e) Not later than sixty (60) days after receipt of an  
40 environmental compliance plan submitted for review and approval  
41 under subsection (b), the department shall notify the owner or  
42 operator of the department's determination. An owner or operator

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1 may amend and resubmit an environmental compliance plan that  
2 is disapproved by the department.

3 (f) If a medical emergency professional or the department  
4 determines that:

- 5 (1) a medical emergency exists; and
- 6 (2) the information is necessary for purposes of providing  
7 medical or first aid care;

8 an owner or operator shall immediately disclose to the medical  
9 emergency professional or the department proprietary chemical  
10 formula or trade secret information related to hydraulic  
11 fracturing. The department shall prescribe a process for the  
12 disclosure of proprietary information under this subsection.

13 (g) The department shall publish approved environmental  
14 compliance plans on the department's Internet web site.

15 (h) The department shall adopt rules under IC 4-22-2 to  
16 implement this section, including a rule requiring periodic updates  
17 of an approved environmental compliance plan.

18 (i) The department may act under IC 14-10-2-5 to adopt  
19 emergency rules in the manner provided by IC 4-22-2-37.1 to carry  
20 out this section. An emergency rule adopted under this subsection  
21 expires on the earliest of the following:

22 (1) The date another emergency rule adopted under this  
23 subsection or a permanent rule adopted under IC 4-22-2 on  
24 the same subject becomes effective.

25 (2) The date specified in the emergency rule adopted under  
26 this subsection.

27 (3) December 31, 2015.

28 This subsection expires January 1, 2016.

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