

By Senator Clemens

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1                   A bill to be entitled  
2           An act relating to the Fracturing Chemical Usage  
3           Disclosure Act; creating such act and providing a  
4           short title; creating s. 377.45, F.S.; directing the  
5           Division of Resource Management of the Department of  
6           Environmental Protection to establish an online  
7           hydraulic fracturing chemical registry; requiring  
8           owners and operators of wells on which a hydraulic  
9           fracturing treatment is performed to disclose certain  
10          information; requiring certain service companies and  
11          suppliers to disclose certain information; providing  
12          exceptions; authorizing the division to adopt rules;  
13          providing an effective date.

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15 Be It Enacted by the Legislature of the State of Florida:

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17           Section 1. This act may be cited as the "Fracturing  
18 Chemical Usage Disclosure Act."

19           Section 2. Section 377.45, Florida Statutes, is created to  
20 read:

21           377.45 Hydraulic fracturing chemical registry.-

22           (1) (a) The division shall establish and maintain an online  
23 hydraulic fracturing chemical registry for all wells on which  
24 hydraulic fracturing treatments are performed.

25           (b) The registry shall include, at a minimum, the total  
26 volume of water used in the hydraulic fracturing treatment and  
27 each chemical ingredient that is subject to 29 C.F.R. s.  
28 1910.1200(g) (2), for each well on which hydraulic fracturing  
29 treatments are performed, as provided by a service company or

27-00778-13

20131028

30 chemical supplier, or by the well owner or operator if the owner  
31 or operator provides such chemical ingredients. The division may  
32 not require chemical ingredients to be identified by  
33 concentration or based on the additive in which they are found.

34 (c) The registry and the information provided pursuant to  
35 this subsection must be accessible to the public through the  
36 division's website.

37 (2) (a) The owner or operator of a well on which a hydraulic  
38 fracturing treatment is performed shall report information as  
39 required by the division. The well owner or operator must notify  
40 the division of any chemical ingredients not previously reported  
41 that are intentionally included and used for the purpose of  
42 creating a hydraulic fracturing treatment for the well.

43 (b) A service company that performs a hydraulic fracturing  
44 treatment on a well or a supplier of an additive used in a  
45 hydraulic fracturing treatment on a well must disclose the  
46 chemical ingredients used to perform the treatment to the owner  
47 or operator of the well pursuant to this section.

48 (3) This section does not apply to ingredients that:

49 (a) Were not purposefully added to the hydraulic fracturing  
50 treatment.

51 (b) Occur incidentally or are otherwise unintentionally  
52 present in the treatment.

53 (c) Are not disclosed to the well owner or operator by a  
54 service company or supplier.

55 (4) The division may adopt rules to administer this  
56 section.

57 Section 3. This act shall take effect July 1, 2013.