

APPENDIX I: STATE PROFILES

Alabama:

Law / Regulation	<u>Ala. Admin. Code</u> r. 400-3-4-.08; 400-3-8-.03 (pages 134, and 143 of pdf)
Effective Date of Disclosure Rule	5/16/2000
Administering Agency	State Oil and Gas Board of Alabama
Disclosure Location	<u>State website</u> *
Wells/Treatments Subject to Rule	All hydraulic fracturing treatments after effective date
Time Requirement for Post-HF Disclosure	Within 30 days after fracturing
Example Disclosures	Examples at <u>ene_12072501a.pdf</u>
Example Submission to Justify Trade Secret Exemption	None. Operators simply do not list trade secret substances in fracturing report or designate them as proprietary.
Notes	* Click on “Well Records” and search based on the listed criteria. Treatment reports can be found under the “Forms” tab of each well record, and are generally designated OGB-6 (well treatment form) or OGB-7 (well record and completion or recompletion report).

Arkansas:

Law / Regulation	<u>AR Oil and Gas Commission Rule B-19</u>
Effective Date of Disclosure Rule	1/15/2011
Administering Agency	Arkansas Oil & Gas Commission
Disclosure Location	<u>State website</u> *
Wells/Treatments Subject to Rule	All wells for which initial drilling permit issued after effective date
Time Requirement for Post-HF Disclosure	Within 30 days of well completion
Example Disclosures	Examples at <u>ene_12072501b.pdf</u>
Example Submission to Justify Trade Secret Exemption	Examples at <u>ene_12072501c.pdf</u>
Notes	<p>While Arkansas requires disclosure of the Chemical Abstract Service numbers and of product concentrations, often disclosures fail to link the information, making it impossible to determine the amount or concentration of any chemical additive in the fracturing fluid.</p> <p>* Well files are available under "Document Image System". After reading the instructions and clicking the link at the top of the page, information may be found within both "Well Files" and "Rule B19". Note that it may be helpful to users to access "Well Data," from the <u>main</u> oil and gas webpage linked above (the far right button in the in the top banner) in addition. The well data system may provide information like permit numbers, which can help in searching for the desired well files in the document image system.</p>

Colorado:

Law / Regulation	<u>Colorado Oil and Gas Conservation Commission Rule 205A</u>
Effective Date of Disclosure Rule	4/1/2012
Administering Agency	Colorado Oil and Gas Conservation Commission
Disclosure Location	<u>FracFocus.org</u> *
Wells/Treatments Subject to Rule	All HF treatments performed after effective date
Time Requirement for Post-HF Disclosure	Within 60 days following conclusion of HF and no later than 120 days after commencing a HF treatment
Example Disclosures	See <u>FracFocus</u> . (Click on “Find a Well” at right, then “Standard Search,” Select Colorado from the drop-down box and click on “Search”, Click on “Job Date” at top, and then select reports for any job after 4/1/2012).
Example Submission to Justify Trade Secret Exemption	Not yet available. Blank form available <u>here</u> .
Notes	* The rule provides that the Commission may reevaluate the use of Fracfocus in January 2013 if the website is not made searchable by geography, ingredient, CAS number, time period, and operator.

Indiana:

Law / Regulation	<u>Ind. Code § 14-37-3-14.5</u> ; <u>Temporary Coal Bed Methane Rule</u> Section 9, Doc. # 11-432(E) (below, under “Rules”); and <u>Temporary Hydraulic Fracturing Reporting Rule*</u>
Effective Date of Disclosure Rule	Provisions of Temporary Hydraulic Fracturing Reporting Rule effective July 1, 2012, others effective July 1, 2011
Administering Agency	Indiana Department of Natural Resources, Division of Oil & Gas
Disclosure Location	<u>State Website</u> to access well records**; <u>State Website</u> to access MSDSs; <u>State Website</u> to access pending CBM permits
Wells/Treatments Subject to Rule	Some requirements apply to treatments on all wells, most apply to only treatments performed in coalbed methane wells
Time Requirement for Post-HF Disclosure	“Immediately upon completion or recompletion”
Example Disclosures	No examples of post-HF reports available *** Blank forms: pre-HF form available here ; post-HF report available here .
Example Submission to Justify Trade Secret Exemption	None. Simply listed as "trade secret" or "proprietary" in MSDS.
Notes	<p>* Currently, the Temporary Hydraulic Fracturing Reporting Rule provides limited requirements for all wells. Most requirements are applied only for coalbed methane wells. Note that recently passed legislation (House Bill 1107) may lead to more significant reporting rules for all wells, but that the agency must first propose and adopt those via the rulemaking process. It is not clear if or when such rulemaking will occur.</p> <p>** Well files list product names. You must then consult MSDS files, which have information on content of products. To access well files, search based on one or more criteria for a well. Click “view files” for the well at issue. Hydraulic fracturing plans, when they have been submitted, are generally included in the “application” files.</p> <p>*** Indiana allows operators to automatically keep certain well completion reports confidential for a period of one year. Because of this fact, we were unable to find any reports for coalbed methane wells (where the requirements for disclosure have been in place since July 2011) under the disclosure requirements.</p>

Louisiana:

Law / Regulation	<u>43 La. Admin. Code tit. XIX, §118 (Statewide Order No. 29-B)</u> (beginning at pg. 3064 in link)
Effective Date of Disclosure Rule	10/20/2011
Administering Agency	Louisiana Department of Natural Resources
Disclosure Location	Disclosed to State Department of Natural Resources or to <u>FracFocus.org</u> or "any other similar registry" available free to public
Wells/Treatments Subject to Rule	All wells for which initial drilling permit issued after effective date
Time Requirement for Post-HF Disclosure	Within 20 days of completion or recompletion, 43 La. Admin. Code tit. XIX, §105
Example Disclosures	<p>For disclosures to FracFocus, see <u>here</u>. (Click on "Find a Well" at right, then "Standard Search," Select Louisiana from the drop-down box and click on "Search", Click on "Job Date" at top, and then select reports for any job after 10/20/2011).</p> <p>For disclosures to the state site: Blank form available <u>here</u>. Completed disclosures not available on state site.</p>
Example Submission to Justify Trade Secret Exemption	None. Simply listed as "trade secret" or "proprietary" on disclosure report.

Michigan:

Law / Regulation	<u>Supervisor of Wells Instruction 1-2011</u>
Effective Date of Disclosure Rule	6/22/2011
Administering Agency	Michigan Department of Environmental Quality, Resource Management Division, Office of Oil, Gas, and Minerals
Disclosure Location	<u>State Website</u>
Wells/Treatments Subject to Rule	All "hydraulic fracturing well completions" which are "intended to use a total of more than 100,000 gallons of hydraulic fracturing fluid" after effective date
Time Requirement for Post-HF Disclosure	Within 60 days after well completion operations, Mich. Admin. Code r. 324.418.
Example Disclosures	<u>Example 1</u> <u>Example 2</u>
Example Submission to Justify Trade Secret Exemption	None. Simply listed as "trade secret" or "proprietary" on MSDS. (see, e.g., page 19 of disclosure Example 1 above)

Montana:

Law / Regulation	<u>Mont. Admin. R. 36.22.608, 36.22.1015 & 1016</u>
Effective Date of Disclosure Rule	8/27/2011
Administering Agency	Montana Board of Oil & Gas Conservation
Disclosure Location	Disclosed to Montana Board of Oil and Gas Conservation or to <u>FracFocus.org</u> *
Wells/Treatments Subject to Rule	Treatments after effective date of rule
Time Requirement for Post-HF Disclosure	Within 30 days after completion, Mont. Admin. R. 36.22.1013
Example Disclosures	<p>For disclosures to FracFocus, see <u>here</u>. (Click on “Find a Well” at right, then “Standard Search,” Select Montana from the drop-down box and click on “Search”, Click on “Job Date” at top, and then select reports for any job after 8/27/2011).</p> <p>For disclosures to the state site: <u>Blank form available here</u> Completed disclosures not available online.</p>
Example Submission to Justify Trade Secret Exemption	<p>None.</p> <p>Simply listed as "trade secret" or "proprietary" on report.</p>
Notes	<p>* NOTE: If information is disclosed to Board, records are only available by physical inspection at Board offices. Note also that information which must be disclosed but does not appear on fracfocus.org disclosure forms (e.g. Maximum Injection Pressure and Fluid Type) is not available without physical inspection.</p>

New Mexico:

Law / Regulation	<u>N.M. Code R. § 19.15.16.19 (b)</u>
Effective Date of Disclosure Rule	2/15/2012
Administering Agency	New Mexico Energy, Minerals and Resources Department, Oil Conservation Division
Disclosure Location	Will be posted to <u>state website</u> as images within well files.
Wells/Treatments Subject to Rule	Treatments after effective date of rule
Time Requirement for Post-HF Disclosure	Within 45 days after completion
Example Disclosures	Not yet available.
Example Submission to Justify Trade Secret Exemption	None. Simply listed as "trade secret" or "proprietary" on report.

North Dakota:

Law / Regulation	<u>N.D. Admin. Code 43-02-03-27.1 § (1)(g) & (2)(i)</u> (see pg 20)
Effective Date of Disclosure Rule	4/1/2012
Administering Agency	North Dakota Industrial Commission, Department of Mineral Resources, Oil and Gas Division
Disclosure Location	<u>FracFocus.org</u>
Wells/Treatments Subject to Rule	Treatments after effective date of rule
Time Requirement for Post-HF Disclosure	Within 60 days after hydraulic fracturing performed
Example Disclosures	For disclosures to FracFocus, see <u>here</u> . (Click on “Find a Well” at right, then “Standard Search,” Select North Dakota from the drop-down box and click on “Search”, Click on “Job Date” at top, and then select reports for any job after 4/1/2012).
Example Submission to Justify Trade Secret Exemption	None. Simply listed as "trade secret" or "proprietary" on report.

Ohio:

Law / Regulation	<u>Senate Bill 315</u>
Effective Date of Disclosure Rule	6/11/2012
Administering Agency	Ohio Department of Natural Resources, Division of Oil and Gas Resource Management
Disclosure Location	Disclosure is made to <u>FracFocus.org</u> or the state agency Information not on FracFocus can be found at the <u>State Website</u> to access well files* and the <u>State Website</u> to access MSDS
Wells/Treatments Subject to Rule	Hydraulic fracturing after effective date of rule
Time Requirement for Post-HF Disclosure	Within 60 days after completion of drilling operations or fracturing**
Example Disclosures	See <u>FracFocus</u> . (Click on “Find a Well” at right, then “Standard Search,” Select Ohio from the drop-down box and click on “Search”, Click on “Job Date” at top, and then select reports for any job after 6/11/2012).
Example Submission to Justify Trade Secret Exemption	Not yet available.
Notes	<p>* To access well files, Click on "Oil and Gas Well Database"; click the + next to "Reports" then "Completions" -- individual completion reports are stored as .pdf's or .tiff's at the bottom of each report. (Note that .tiff files may contain multiple pages, but that subsequent pages may be difficult to view in some programs. The default in windows is to open .tiff files in Windows Picture and Fax Viewer, in which subsequent pages of a .tiff may be viewed by clicking on the page symbol with a right arrow in it, at bottom – if this symbol is not clickable, it is probably because there is only one page in the file.)</p> <p>** Note that while the revisions to the Ohio code passed by the legislature in May 2012 have not yet gone into effect, rules that became effective on June 30, 2010 required some level of disclosure in well completion reports and by submitting MSDSs. However, completion reports are not available for a significant portion of wells subject to the June 2010 rules even where many months have elapsed since they have been placed in production.</p>

Oklahoma:

Law / Regulation	<u>Revised Okla. Admin. Code. 165:10-3-10</u>
Effective Date of Disclosure Rule	1/1/2013
Administering Agency	Oklahoma Corporation Commission
Disclosure Location	<u>FracFocus.org</u> Some information not included in FracFocus may also be found in applications and completion reports on state <u>website</u> *
Wells/Treatments Subject to Rule	Horizontal wells fractured on or after 01/01/2013 and other wells fractured on or after 01/01/2014
Time Requirement for Post-HF Disclosure	Within 60 days after conclusion of HF operations
Example Disclosures	Not yet available: Once available, disclosures to FracFocus, will be available <u>here</u> . (Click on “Find a Well” at right, then “Standard Search,” Select Oklahoma from the drop-down box and click on “Search”, Click on “Job Date” at top, and then select reports for any job after the effective date of rule for that type of well). Blank state forms available <u>here</u> . See especially, application (Form 1000) and well completion report (Form 1002A)
Example Submission to Justify Trade Secret Exemption	None. Simply listed as "trade secret" or "proprietary" in FracFocus report
Notes	* Go to “New Well Browse Database” and search by desired criteria. Well files can be found by clicking on the magnifying glass next to a well API# and, clicking on “All Images,” and clicking on report IDs at bottom.

Pennsylvania:

Law / Regulation	<u>2012 Pa. Legis. Serv. 2012-13 (HB 1950) § 3222.1</u> ("Act 13") Act of February 14, 2012; Not yet codified
Effective Date of Disclosure Rule	4/14/2012
Administering Agency	Pennsylvania Department of Environmental Protection, Office of Oil & Gas Management
Disclosure Location	<u>FracFocus.org</u>
Wells/Treatments Subject to Rule	<p>Some rules apply to treatments of all wells, and some rules apply only to treatments of unconventional wells* after effective date of rule.</p> <p><u>Only unconventional wells are disclosed on FracFocus.</u> Information concerning the hydraulic fracturing of all other wells is only available by physical inspection at agency offices or via a public records request.</p>
Time Requirement for Post-HF Disclosure	Within 60 days of conclusion of HF
Example Disclosures	<p>See <u>FracFocus</u>.</p> <p>(Click on "Find a Well" at right, then "Standard Search," Select Pennsylvania from the drop-down box and click on "Search", Click on "Job Date" at top, and then select reports for any job after 4/14/2012).</p>
Example Submission to Justify Trade Secret Exemption	Not yet available
Notes	<p>* An unconventional well is defined by Act 13 as a well used for the production of natural gas from a geological shale formation existing below the base of the Elk Sandstone formation or its geologic equivalent, where natural gas generally cannot be produced economically except by hydraulic fracturing. Examples of unconventional formations include the Marcellus shale and the Utica shale. For more information see <u>Act 13 Frequently Asked Questions</u></p>

Texas:

Law / Regulation	<u>16 Tex Admin Code 3.29</u>
Effective Date of Disclosure Rule	2/1/2012
Administering Agency	Railroad Commission of Texas, Oil and Gas Division
Disclosure Location	<u>FracFocus.org</u>
Wells/Treatments Subject to Rule	All wells for which initial drilling permit issued after effective date
Time Requirement for Post-HF Disclosure	30 days after completion*
Example Disclosures	See <u>FracFocus</u> . (Click on “Find a Well” at right, then “Standard Search,” Select Texas from the drop-down box and click on “Search”, Click on “Job Date” at top, and then select reports for any job after 2/1/2012).
Example Submission to Justify Trade Secret Exemption	None. Simply listed as “trade secret” or “proprietary” on disclosure report.
Notes	* Suppliers must disclose to operators within 15 days after treatment, 16 TX Admin Code 3.29. Operators must disclose to RR Commission on or before well completion report, which is due 30 days after completion or within 90 days after drilling is completed, whichever is shorter. 16 TX Admin Code § 3.16

West Virginia:

Law / Regulation	<u>W.Va. Code. R. Section 35-8-1 to 8-5</u> and the <u>Natural Gas Horizontal Well Control Act</u> § 22-6A-7 & 8 (Act of 12/14/2011, to be codified at W. Va. Code § 22-6A-7 & 8)
Effective Date of Disclosure Rule	8/29/2011
Administering Agency	Department of Environmental Protection
Disclosure Location	<u>State Website</u>
Wells/Treatments Subject to Rule	All horizontal wells that disturb 3 or more acres or use more than 210,000 gallons of water in a 30-day period
Time Requirement for Post-HF Disclosure	"Reasonable amount of time"
Example Disclosures	Not yet available. Blank application for horizontal drilling permit available here .
Example Submission to Justify Trade Secret Exemption	None found
Notes	Disclosure page has no examples yet. However, it appears that online reports will include only basic information about horizontal well permits, but not info required in completion reports related to HF. Full records may only be obtained for a fee, or by physical inspection at the agency. See regulation 35-8-3.3e, and Code 22-6-22.

Wyoming:

Law / Regulation	<u>WY Oil and Gas Conservation Commission Rules, Chapter 3, § 45</u> (at p 62)
Effective Date of Disclosure Rule	9/15/2010
Administering Agency	Wyoming Oil and Gas Conservation Commission
Disclosure Location	<u>Oil and Gas Conservation Commission Website</u> *
Wells/Treatments Subject to Rule	Treatments after effective date of rule
Time Requirement for Post-HF Disclosure	Within 30 days of well completion or recompletion. WOGCC General Rules Chapter 3, Section 12.
Example Disclosures	Examples at <u>ene_12072501d.pdf</u>
Example Submission to Justify Trade Secret Exemption	<u>Example 1</u> ** <u>Example 2</u> **
Notes	<p>* To search by date: click on "Completions," select desired date range. To search by API Number or Well Name: click on "Wells," pick desired criteria. Once you select the well, click on "APD File," "Completions," or "Sundries" at top of page. (Information may be in Application for Permit to Drill (APD) or HF report and listing location may depend on whether HF was performed at the time well was first drilled) Then click on magnifying glass icon. Note that portions of the website cannot be viewed using certain internet browsers. Internet Explorer and Firefox generally work.</p> <p>** Very little specific factual justification appears to be required by the Wyoming Oil & Gas Conservation Commission to substantiate trade secret claims. While the submissions are more detailed than in most states, applications with only general claims about secrecy and investment in research and development have been approved as sufficient. (A lawsuit is currently pending against the state on these grounds. See <u>here</u>.)</p>

Bureau of Land Management (PROPOSAL):

The BLM proposal would apply to all wells drilled to extract federally-owned minerals, regardless of the state in which the well is located.

Law / Regulation	Draft Rule (released 5/4/2012)
Effective Date of Disclosure Rule	N/A
Administering Agency	Bureau of Land Management
Disclosure Location	Unspecified public website
Wells/Treatments Subject to Rule	Treatments after effective date of rule
Time Requirement for Post-HF Disclosure	Within 30 days of completion of fracturing operations
Example Disclosures	Not yet available
Example Submission to Justify Trade Secret Exemption	Not yet available

Illinois (PROPOSAL):

Law / Regulation	<u>SB 3280</u> (as passed Senate in April 2012)
Effective Date of Disclosure Rule	N/A
Administering Agency	Illinois Department of Natural Resources
Disclosure Location	<u>FracFocus.org</u>
Wells/Treatments Subject to Rule	All hydraulic fracturing used to extract hydrocarbons from shale
Time Requirement for Post-HF Disclosure	Within 30 days of first production. 225 ILCS 725/6(4).
Example Disclosures	Not yet available
Example Submission to Justify Trade Secret Exemption	Not yet available

New York (PROPOSAL):

Law / Regulation	<u>NY Proposed Regulations</u> (most notably, proposed 6 NYCRR § 560.3)
Effective Date of Disclosure Rule	N/A
Administering Agency	NY Department of Environmental Conservation
Disclosure Location	Unspecified Rule states that the Department will “disclose to the public”
Wells/Treatments Subject to Rule	All high volume ($\geq 300,000$ gallons) hydraulic fracturing treatments after effective date of rule
Time Requirement for Post-HF Disclosure	Within 30 days after completion Proposed 6 NYCRR 554.7 (a).
Example Disclosures	Not yet available
Example Submission to Justify Trade Secret Exemption	Not yet available
Notes	Currently, only very limited well data and no well files are available through NYDEC website. The Empire State Oil and Gas Information System has an online site which contains digital well files. However, significant fees must be paid to gain access to files.