AN ACT concerning regulation.

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

Section 5. The Illinois Oil and Gas Act is amended by adding Section 6.8 as follows:

(225 ILCS 725/6.8 new)

Sec. 6.8. Extraction of hydrocarbons from shale using hydraulic fracturing.

(a) The Department, by rule, shall:

(1) require an operator of a well on which a hydraulic fracturing treatment is performed to:

(A) complete the form posted on the hydraulic fracturing chemical registry Internet website of the Ground Water Protection Council and the Interstate Oil and Gas Compact Commission with regard to the well;

(B) include in the form completed under subparagraph (A):

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

(ii) each chemical ingredient that is subject to the requirements of 29 C.F.R. 1910.1200(g)(2), as provided by a service company, chemical supplier, or by the operator, if the operator
provides its own chemical ingredients;

(C) post the completed form described by subparagraph (A) on the website described by that subparagraph or, if the website is discontinued or permanently inoperable, post the completed form on another publicly accessible Internet website specified by the Department;

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

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

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

(ii) occur incidentally or are otherwise unintentionally present in the treatment; or
(iii) in the case of the operator, are not
disclosed to the operator by a service company or
supplier; the rule shall not require that the
ingredients be identified based on the additive in
which they are found or that the concentration of
such ingredients be provided;

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

(3) prescribe a process by which an entity required to
comply with paragraph (1) or (2) may withhold and declare
certain information as a trade secret, including, but not
limited to, the Chemical Abstract Service Number and amount
of the chemical ingredient used in a hydraulic fracturing
treatment;

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

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

(A) a surface fee title owner or his or her
agricultural farm tenant who has been directly and substantially affected or aggrieved by the hydraulic fracturing treatment; or

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

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

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

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

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

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

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

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

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