

15A NCAC 05H .1702 REQUIRED DISCLOSURES

(a) The permittee shall notify the local emergency management office of all hazardous chemicals that may be used for any purpose at the well site no later than 30 calendar days prior to the chemicals entering the well site. This notification shall include a Safety Data Sheet for each chemical and the following information:

- (1) the anticipated quantity (mass or volume);
- (2) the method of containment; and
- (3) the chemical classification.

(b) The permittee, service company, or vendor shall submit to the Department, no less than 30 calendar days prior to the commencement of well stimulation activities, a complete list of all planned base fluids and additives to be used in well stimulation activities. Any information the Commission determines to be confidential information under G.S. 66-152(3), G.S. 113-391.1, and Rule .0707 of this Subchapter shall be protected as confidential information and shall be maintained in accordance with G.S. 132-7. This notification shall include:

- (1) the trade or common name of each chemical subject to the Safety Data Sheet;
- (2) the CAS registry number;
- (3) the range of anticipated concentrations (by mass or volume) in the mixture for each chemical; and
- (4) the purpose each chemical or mixture will serve in the well stimulation process.

(c) The permittee shall upload all well stimulation data, unless claimed as a trade secret under G.S. 66-152(3), G.S. 113-391.1, and Rule .0707 of this Subchapter and the claim determined as satisfactory by the Commission pursuant to Rule .0708 of this Subchapter to <http://fracfocus.org/> within 15 calendar days following the conclusion of well stimulation. The permittee shall submit a Form 19 – Chemical Disclosure Report and a copy of the FracFocus submission to the Department within 15 calendar days following the conclusion of stimulation. If the permittee amends its FracFocus submission, any subsequent amendments shall be submitted to the Department within 15 calendar days of the amendment. Any information submitted to the Department that the Commission determines is confidential information under G.S. 66-152(3), G.S. 113-391.1, and Rule .0707 of this Subchapter shall be protected as confidential information and shall be maintained as provided in G.S. 132-7. The Form 19 – Chemical Disclosure Report shall include:

- (1) the permittee's name, address, telephone number, fax number, and email address;
- (2) the county and nearest city or town where the oil or gas well is located;
- (3) the property street address, or nearest address to the ingress and egress point leading from a public road to the well pad;
- (4) the API number, the lease name, and the oil or gas well name and number;
- (5) the type of oil or gas well;
- (6) the date well stimulation operations began;
- (7) the date well stimulation operations ceased;
- (8) the latitude and longitude of each wellhead reported to five decimal places of accuracy and precision using the North American Datum of 1983 (NAD83);
- (9) a certified directional survey of the horizontal oil or gas well;
- (10) the measured depth of the oil or gas well and the true vertical depth of the oil or gas well;
- (11) the total volume of water used in the well stimulation operations including surface water, groundwater, produced water, reused water, reclaimed or recycled water, or the type and total volume of the base fluid used in the well stimulation operation, if a base substance other than water was used;
- (12) the amount(s) and percent by volume of surface water or groundwater used in the well stimulation operations and the point(s) of withdrawal of that surface water or groundwater;
- (13) the source amount(s) and location(s) of recycled water, along with percent by volume of recycled water that is used in well stimulation operations;
- (14) the trade or common name and CAS registry number of each chemical used in the well stimulation operation;
- (15) the trade or common name, supplier, and a brief description of the intended use or function of each additive in the well stimulation operation;
- (16) identification and chemical classification of each chemical and additive that is subject to the Safety Data Sheet requirements of 29 CFR 1910.1200;
- (17) the actual or maximum concentration of each chemical and additive listed pursuant to Subparagraphs (14) and (15) of this Paragraph expressed in percent by mass;
- (18) the overall well stimulation mixture; and
- (19) the chemical classification for each chemical and additive.

- (d) For disclosures required pursuant to Paragraphs (b) and (c) of this Rule, the permittee is not required to disclose:
- (1) chemical mixtures or compounds that occur as a consequence of drilling or well stimulation operations or that may be the incidental result of a chemical reaction or process; or
 - (2) naturally occurring materials that become unintentionally combined with well stimulation substances.

*History Note: Authority G.S. 113-391(a)(5)h; 113-391.1;
Eff. March 17, 2015.*