

AMENDED IN ASSEMBLY MAY 28, 2013

AMENDED IN ASSEMBLY APRIL 30, 2013

AMENDED IN ASSEMBLY APRIL 8, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 7

Introduced by Assembly Member Wieckowski

December 3, 2012

An act to amend Sections 3203, 3213, and 3215 of, to add Section 3215.5 to, and to add Article 3 (commencing with Section 3150) to Chapter 1 of Division 3 of, the Public Resources Code, relating to oil and gas.

LEGISLATIVE COUNSEL'S DIGEST

AB 7, as amended, Wieckowski. Oil and gas: hydraulic fracturing. Under existing law, the Division of Oil, Gas, and Geothermal Resources, or the division, in the Department of Conservation, regulates the drilling, operation, maintenance, and abandonment of oil and gas wells in the state. The State Oil and Gas Supervisor, or the supervisor, supervises the drilling, operation, maintenance, and abandonment of wells and the operation, maintenance, and removal or abandonment of tanks and facilities related to oil and gas production within an oil and gas field regarding safety and environmental damage. Existing law requires an operator of a well, before commencing the work of drilling the well, to file with the supervisor or the district deputy a written notice of intention to commence drilling, and prohibits the commencement of drilling until approval is given by the supervisor or the district deputy. Existing law requires the operator of a well to keep, or cause to be kept, a careful and accurate log, core record, and history of the drilling of the

well. Within 60 days after the date of cessation of drilling, rework, or abandonment operations, the owner or operator is required to file with the district deputy certain information, including the history of work performed.

This bill would revise that procedure to instead require the operator to file an application before commencing drilling and would *prohibit drilling until approval or denial of the application is given by the supervisor or district deputy within 30 working days*. The bill would require, on and after January 1, 2014, additional information to be included in the application, including information regarding the chemicals, if any, to be injected into a well.

This bill would define, among other things, hydraulic fracturing and hydraulic fracturing fluid. The bill would require the owner or operator of a well to provide to the supervisor, or to arrange with the supplier to provide to the supervisor, specific information relating to hydraulic fracturing as a part of the history of the drilling of the well. The bill would, on or before January 1, 2015, require the division, in consultation with the Office of Environmental Health Hazard Assessment and the Department of Toxic Substances Control, to establish a process through which all chemicals used in hydraulic fracturing treatments may be studied or reviewed. The bill would provide that ~~the owner, operator, or a supplier who provides information to the supervisor relating to hydraulic fracturing may, at the time of submission, submit to the supervisor a claim in writing that some or all of the information is protected trade secret information, as specified. The bill would permit the supervisor, upon his or her own initiative, to make an initial determination as to whether the information claimed as trade secret has been properly claimed as trade secret information. The bill would require the supervisor to make an initial determination upon receipt of a request for public information, as specified. The bill would require the supervisor, within 45 days, to provide written notification of the initial determination to the person who provided the information and claims trade secret protection. The bill would provide specific processes for the person claiming trade secret protection to challenge the supervisor's initial determination within 30 days from the date of receipt of the initial determination by providing the supervisor with additional written justification for the trade secret claim. The bill would further require the supervisor, after making a final determination within 45 days of the date of receipt of the additional written justification that the information is not a trade secret, to make the information available to the public not~~

~~sooner than 30 days from the date of the mailing of a copy of the final determination to the person who provided the additional written justification. The bill would also require the supervisor to send a notice of the final determination to the person who provided the additional written justification, if the information is determined to be a trade secret. The bill would provide that a person claiming trade secret protection is deemed to have waived his or her claim for trade secret if, on the date when the final determination requires that the information be made available to the public, he or she has not filed an action in a court of competent jurisdiction for a declaratory judgment or injunction prohibiting disclosure of the information by the supervisor. The bill would permit the supervisor to disclose information claimed to be a trade secret to specific government employees with a clear need for the information for an enforcement action or emergency response, as specified. The bill would require the operator, within 60 days of the cessation of hydraulic fracturing treatment, to post or cause to have posted on an Internet Web site accessible to the public specified information on hydraulic fracturing, as specified. The bill would further prohibit those with access to the trade secret from disclosing it, and would make a person who violates this prohibition guilty of a misdemeanor. The bill would require a supplier claiming trade secret protection for the chemical composition of additives used in the hydraulic treatment to disclose the composition to the division, in conjunction with a hydraulic fracturing treatment notice, but would, except as specified, prohibit those with access to the trade secret from disclosing it.~~ Because this bill would create a new crime, it would impose a state-mandated local program.

This bill would require the supervisor, on or before January 1, 2014, and annually thereafter, to transmit to the Legislature a comprehensive report on hydraulic fracturing in the exploration and production of oil and gas resources in the state, as specified.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. The Legislature finds and declares all of the
2 following:

3 (a) Hydraulic fracturing has been used in California for several
4 decades to extract oil and gas and is likely to be used more
5 extensively as the industry seeks to develop additional oil-bearing
6 and gas-bearing formations.

7 (b) The Division of Oil, Gas, and Geothermal Resources in the
8 Department of Conservation, which has the obligation to protect
9 public health and the natural resources of the state, including
10 groundwater resources, has the authority to regulate all oil and
11 natural gas drilling in the state, but currently does not require the
12 disclosure of pertinent information regarding hydraulic fracturing
13 or ascertain all specific types of production and exploration taking
14 place at permitted wells.

15 (c) Given California's geologic, seismic complexity, and its
16 finite and significantly compromised water resources, it is
17 important to collect basic information about natural resource
18 production processes. The state and the public should know when
19 and where hydraulic fracturing is occurring and what chemicals
20 are being used in the process.

21 SEC. 2. Article 3 (commencing with Section 3150) is added to
22 Chapter 1 of Division 3 of the Public Resources Code, to read:

23

24

Article 3. Hydraulic Fracturing

25

26 3150. "Chemical Abstracts Service" means the division of the
27 American Chemical Society that is the globally recognized
28 authority for information on chemical substances.

29 3151. "Chemical Abstracts Service (CAS) number" means the
30 unique identification number assigned to a chemical by the
31 Chemical Abstracts Service.

32 3152. "Hydraulic fracturing" is a well stimulation treatment
33 that may include the application of hydraulic fracturing fluids into
34 an underground geologic formation in order to create fractures
35 in the formation, thereby causing or improving the production of
36 oil or gas from a well.

37 3153. "Hydraulic fracturing fluid" includes water or other
38 carrier fluids that may be mixed with physical and chemical

1 additives for the purpose of hydraulic fracturing. The additives
2 may, but are not required to, serve additional purposes beyond
3 the transmission of hydraulic pressure to the geologic formation.
4 Additives may be of any phase and may include proppants.

5 3154. “Proppants” are materials inserted or injected into
6 the formation that are intended to prevent newly created or
7 enhanced fractures from closing.

8 3155. “Supplier” means an entity performing hydraulic
9 fracturing or a person supplying an additive or proppant directly
10 to the operator for use in hydraulic fracturing on a well.

11 3156. If hydraulic fracturing is performed on a well, the owner
12 or operator of the well shall provide to the supervisor, or shall
13 arrange with the supplier to provide to the supervisor, and shall
14 include in the well history maintained pursuant to Section 3213,
15 all of the following information, except for information claimed
16 as a trade secret pursuant to subdivision (c) of Section 3203:

17 (a) A complete list of the chemical constituents formulated for
18 use in the hydraulic fracturing fluid that is injected into the well
19 and each chemical’s associated CAS numbers. Where the CAS
20 number does not exist, the operator or supplier may provide
21 another unique identifier where available.

22 (b) The purpose of each additive contained in the hydraulic
23 fracturing fluid.

24 (c) The estimated total amount of the additives in the hydraulic
25 fracturing fluid.

26 (d) The estimated maximum concentration of each chemical
27 constituent in the additive as disclosed on a material safety data
28 sheet in the hydraulic fracturing fluid expressed as a percentage
29 by mass.

30 (e) The estimated maximum concentration of each chemical
31 constituent disclosed on a material safety data sheet in the
32 hydraulic fracturing fluid, expressed as a percentage by mass.

33 (f) The amount and source of any water suitable for irrigation
34 or domestic purposes used to conduct the hydraulic fracturing
35 treatment of the well.

36 (g) The amount and disposition of water and hydraulic
37 fracturing fluid recovered from each well where hydraulic
38 fracturing occurred prior to the reporting of the water produced
39 pursuant to Section 3227.

1 (h) Any radiological components or tracers injected into the
2 well as part of the hydraulic fracturing process and a description
3 of the recovery method, if any, for those components or tracers,
4 the recovery rate, and the disposal method for recovered
5 components or tracers.

6 3157. On or before January 1, 2015, the division, in
7 consultation with the Office of Environmental Health Hazard
8 Assessment and the Department of Toxic Substances Control, shall
9 establish a process through which all chemicals used in hydraulic
10 fracturing treatments may be studied or reviewed, a list containing
11 any restricted or prohibited toxic chemicals, and a list containing
12 any restricted or prohibited locations deemed extremely vulnerable
13 to a spill or release of chemicals.

14 ~~SEC. 2.~~

15 SEC. 3. Section 3203 of the Public Resources Code is amended
16 to read:

17 3203. (a) The operator of any well, before commencing the
18 work of drilling the well, shall file with the supervisor or the district
19 deputy an application to commence drilling. Drilling shall not
20 commence until approval *or denial* of the application is given by
21 the supervisor or the district deputy *within 30 working days*. ~~If the~~
22 ~~supervisor or the district deputy fails to give the operator a written~~
23 ~~response to the application within 10 working days from the date~~
24 ~~of receipt, that failure shall be considered as an approval of the~~
25 ~~application and the application, for the purposes and intents of this~~
26 ~~chapter, shall be deemed a written report of the supervisor.~~ If
27 operations have not commenced within one year of receipt of the
28 application, the application shall be deemed canceled. The
29 application shall contain the pertinent data the supervisor requires
30 on printed forms supplied by the division or on other forms
31 acceptable to the supervisor. The supervisor may require other
32 pertinent information to supplement the application.

33 (b) (1) On and after January 1, 2014, in addition to the
34 information required in the application under subdivision (a), the
35 application shall additionally include all of the following
36 information:

37 (A) The type of exploration and production techniques that the
38 operator will use at the well or wells.

39 (B) A complete list of the chemicals, if any, that will be injected
40 into the well for hydraulic fracturing or other production

1 enhancement methods in the exploration or production process or
2 processes. This list of chemicals shall include all of the following
3 information:

- 4 (i) The name of the chemical.
- 5 (ii) The purpose of the chemical in the production or exploration
6 process.
- 7 (iii) The Chemical Abstract Service numbers for the chemical.
- 8 (iv) The estimated total amount of the chemical used.

9 (2) If any of the information required pursuant to paragraph (1)
10 changes over the course of the exploration and production process,
11 the operator shall immediately notify the supervisor.

12 (c) (1) *A supplier may claim trade secret protection for the*
13 *chemical composition of additives pursuant to Section 1060 of the*
14 *Evidence Code, or the Uniform Trade Secrets Act (Title 5*
15 *commencing with Section 3426) of Part 1 of Division 4 of the*
16 *Civil Code).*

17 (2) *If a supplier believes that information regarding a chemical*
18 *constituent of a hydraulic fracturing fluid is a trade secret, the*
19 *supplier shall nevertheless disclose the information to the division*
20 *in conjunction with a hydraulic fracturing treatment notice, if not*
21 *previously disclosed, within 30 days following cessation of*
22 *hydraulic fracturing on a well, and shall notify the division in*
23 *writing of that belief.*

24 (3) *The supplier is not required to disclose trade secret*
25 *information to the operator.*

26 (4) *This subdivision does not permit a supplier to refuse to*
27 *disclose the information required pursuant to this section to the*
28 *division.*

29 (5) *To comply with the public disclosure requirements of this*
30 *section, the supplier shall indicate where trade secret information*
31 *has been withheld and the specific name of a chemical constituent*
32 *shall be replaced with the chemical family name or similar*
33 *descriptor associated with the trade secret chemical information.*

34 (6) *Except as provided in subparagraph (B) of paragraph (8),*
35 *the division shall protect from disclosure any trade secret*
36 *designated as such by the supplier, if that trade secret is not a*
37 *public record.*

38 (7) *The supplier shall notify the division in writing within 30*
39 *days of any changes to information provided to the division to*
40 *support a trade secret claim.*

1 (8) Upon receipt of a request for the release of information to
2 the public, which includes information the supplier has notified
3 the division is a trade secret and is not a public record, the
4 following procedure applies:

5 (A) The division shall notify the supplier of the request in writing
6 by certified mail, return receipt requested.

7 (B) The division shall release the information to the public, but
8 not earlier than 60 days after the date of mailing the notice of the
9 request for information, unless, prior to the expiration of the 60-day
10 period, the supplier commences an action in an appropriate court
11 for a declaratory judgment that the information is subject to
12 protection or for a preliminary injunction prohibiting disclosure
13 of the information to the public and provides notice to the division
14 of that action.

15 (9) (A) Except as provided in subparagraph (B) of paragraph
16 (8), trade secret information is not a public record and shall not
17 be disclosed to anyone except to an officer or employee of the
18 division, the state, local air districts, or the United States, in
19 connection with the official duties of that officer or employee, to
20 a health professional, under any law for the protection of health,
21 or to contractors with the division or the state and its employees
22 if, in the opinion of the division, disclosure is necessary and
23 required for the satisfactory performance of a contract, for
24 performance of work, or to protect health and safety.

25 (B) A health professional may share trade secret information
26 with other persons as may be professionally necessary, including,
27 but not limited to, the patient and other health professionals.
28 Confidentiality of the trade secret information shall be maintained.
29 The holder of the trade secret may request a confidentiality
30 agreement consistent with the requirements of this subdivision to
31 whom this information is disclosed as soon as circumstances
32 permit. If necessary, a procedure for timely disclosure by the
33 division in the event of an emergency shall be identified.

34 (10) For the purposes of this subdivision, the definitions
35 provided in Article 3 (commencing with Section 3150) shall apply
36 when appropriate.

37 (e)

38 (d) After the completion of any well, this section also applies,
39 as far as it may be applied, to the deepening or redrilling of the
40 well, an operation involving the plugging of the well, or any

1 operations permanently altering in any manner the casing of the
2 well. The number or designation of a well, and the number or
3 designation specified for a well in an application filed as required
4 by this section, shall not be changed without first obtaining a
5 written consent of the supervisor.

6 ~~(d)~~

7 (e) If an operator fails to comply with an order of the supervisor,
8 the supervisor may deny approval of proposed well operations
9 until the operator brings its existing well operations into
10 compliance with the order. If an operator fails to pay a civil penalty,
11 remedy a violation that it is required to remedy to the satisfaction
12 of the supervisor pursuant to an order issued under Section 3236.5,
13 or to pay any charges assessed under Article 7 (commencing with
14 Section 3400), the supervisor may deny approval to the operator’s
15 proposed well operations until the operator pays the civil penalty,
16 remedies the violation to the satisfaction of the supervisor, or pays
17 the charges assessed under Article 7 (commencing with Section
18 3400).

19 (f) *This section does not apply to routine pressure tests to*
20 *monitor the integrity of wells and well casings.*

21 ~~SEC. 3.~~

22 ~~SEC. 4.~~ Section 3213 of the Public Resources Code is amended
23 to read:

24 3213. The history shall show the location and amount of
25 sidetracked casings, tools, or other material, the depth and quantity
26 of cement in cement plugs, the shots of dynamite or other
27 explosives, the results of production and other tests during drilling
28 operations, and the information required pursuant to Section 3156.

29 ~~SEC. 4. Article 3 (commencing with Section 3150) is added~~
30 ~~to Chapter 1 of Division 3 of the Public Resources Code, to read:~~

31

~~Article 3. Hydraulic Fracturing~~

32

33

34 3150. ~~“Chemical Abstracts Service” means the division of the~~
35 ~~American Chemical Society that is the globally recognized~~
36 ~~authority for information on chemical substances.~~

37 3151. ~~“Chemical Abstracts Service (CAS) number” means the~~
38 ~~unique identification number assigned to a chemical by the~~
39 ~~Chemical Abstracts Service.~~

1 3152. —“Hydraulic fracturing” is a well stimulation treatment
2 that may include the application of hydraulic fracturing fluids into
3 an underground geologic formation in order to create fractures in
4 the formation, thereby causing or improving the production of oil
5 or gas from a well.

6 3153. —“Hydraulic fracturing fluid” includes water or other
7 carrier fluids that may be mixed with physical and chemical
8 additives for the purpose of hydraulic fracturing. The additives
9 may, but are not required to, serve additional purposes beyond the
10 transmission of hydraulic pressure to the geologic formation.
11 Additives may be of any phase and may include proppants.

12 3154. —“Proppants” are materials inserted or injected into the
13 formation that are intended to prevent newly created or enhanced
14 fractures from closing.

15 3155. —“Supplier” means an entity performing hydraulic
16 fracturing or a person supplying an additive or proppant directly
17 to the operator for use in hydraulic fracturing a well.

18 3156. If hydraulic fracturing is performed on a well, the owner
19 or operator of the well shall provide to the supervisor, or shall
20 arrange with the supplier to provide to the supervisor, and shall
21 include in the well history maintained pursuant to Section 3213,
22 all of the following information, except for information claimed
23 as a trade secret pursuant to Section 3158:

24 (a) A complete list of the chemical constituents formulated for
25 use in the hydraulic fracturing fluid that is injected into the well
26 and each chemical’s associated CAS numbers. Where the CAS
27 number does not exist, the operator or supplier may provide another
28 unique identifier where available.

29 (b) The purpose of each additive contained in the hydraulic
30 fracturing fluid.

31 (c) The estimated total amount of the additives in the hydraulic
32 fracturing fluid.

33 (d) The estimated maximum concentration of each chemical
34 constituent in the additive as disclosed on a material safety data
35 sheet in the hydraulic fracturing fluid expressed as a percentage
36 by mass.

37 (e) The estimated maximum concentration of each chemical
38 constituent disclosed on a material safety data sheet in the hydraulic
39 fracturing fluid, expressed as a percentage by mass.

1 ~~(f) The amount and source of any water suitable for irrigation~~
2 ~~or domestic purposes used to conduct the hydraulic fracturing~~
3 ~~treatment of the well.~~

4 ~~(g) The amount and disposition of water and hydraulic fracturing~~
5 ~~fluid recovered from each well where hydraulic fracturing occurred~~
6 ~~prior to the reporting of the water produced pursuant to Section~~
7 ~~3227.~~

8 ~~(h) Any radiological components or tracers injected into the~~
9 ~~well as part of the hydraulic fracturing process and a description~~
10 ~~of the recovery method, if any, for those components or tracers,~~
11 ~~the recovery rate, and the disposal method for recovered~~
12 ~~components or tracers.~~

13 ~~3157. On or before January 1, 2015, the division, in~~
14 ~~consultation with the Office of Environmental Health Hazard~~
15 ~~Assessment and the Department of Toxic Substances Control, shall~~
16 ~~establish a process through which all chemicals used in hydraulic~~
17 ~~fracturing treatments may be studied or reviewed, a list containing~~
18 ~~any restricted or prohibited toxic chemicals, and a list containing~~
19 ~~any restricted or prohibited locations deemed extremely vulnerable~~
20 ~~to a spill or release of chemicals.~~

21 ~~3158. (a) The owner, operator, or supplier who provides~~
22 ~~information to the supervisor in accordance with Section 3156~~
23 ~~may, at the time of submission, submit to the supervisor a claim~~
24 ~~in writing that some or all of the information is protected trade~~
25 ~~secret information as defined in the Uniform Trade Secrets Act~~
26 ~~(Title 5 (commencing with Section 3426) of Part 1 of Division 4~~
27 ~~of the Civil Code).~~

28 ~~(b) The written claim submitted to the supervisor under~~
29 ~~paragraph (a) shall state the reasons for the trade secret information~~
30 ~~and provide specific supporting documentation.~~

31 ~~3159. (a) The owner, operator, or supplier who provides~~
32 ~~information to the supervisor and who claims trade secret~~
33 ~~protection shall submit two versions of the information required~~
34 ~~under Section 3156 as follows:~~

35 ~~(1) The first version shall be labeled "Confidential Information~~
36 ~~-Do Not Disclose" and shall include all the information required~~
37 ~~under Section 3156.~~

38 ~~(2) (A) The second version shall be labeled "Public Information~~
39 ~~-This Information shall be Disclosed to the Public," provide an~~
40 ~~explanation of the basis for the claim of trade secrecy, and include~~

1 all of the information required under Section 3156, except that the
2 specific name of any constituent that is claimed as trade secret
3 information shall be replaced with the chemical family associated
4 with the trade secret constituent, the corresponding CAS number
5 shall be replaced with the phrase “Trade Secret Information,” and
6 all other trade secret information shall be redacted.

7 (B) The information contained in the version pursuant to
8 paragraph (2) shall be made available to the public in accordance
9 with Section 3215 or upon request by a member of the public
10 pursuant to Chapter 3.5 (commencing with Section 6250) of
11 Division 7 of Title 1 of the Government Code.

12 (b) The supervisor shall keep the version under paragraph (1)
13 of subdivision (a) confidential until the person claiming trade secret
14 protection waives its claim pursuant to subdivision (d) of Section
15 3161 or the claim of trade secret protection is determined to be
16 invalid by a court of competent jurisdiction.

17 3160. If the person claiming trade secret protection pursuant
18 to Section 3158 is a supplier, the supplier shall only provide the
19 well owner or operator with the version pursuant to paragraph (2)
20 of subdivision (a) of Section 3159 so the owner or operator may
21 include the information required in the history of the drilling of
22 the well pursuant to Section 3213.

23 3161. (a) (1) The supervisor, upon his or her own initiative,
24 may determine whether any or all of the information claimed as a
25 trade secret pursuant to Section 3158 has been properly claimed
26 as trade secret information. If the supervisor determines that the
27 information is not trade secret, the supervisor shall provide written
28 notification of the determination to the person who furnished the
29 information within 45 days. The written notification shall be sent
30 by certified mail.

31 (2) Upon receipt of a request for public information pursuant
32 to Chapter 3.5 (commencing with Section 6250) of Division 7 of
33 Title 1 of the Government Code, the supervisor shall determine
34 whether any or all of the information claimed as a trade secret
35 pursuant Section 3158 has been properly claimed as trade secret
36 information. If the supervisor determines that the information is
37 not trade secret, the supervisor shall provide written notification
38 of the determination to the person who furnished the information
39 within 45 days. The written notification shall be sent by certified
40 mail.

1 ~~(b) (1) The person who provided the trade secret information~~
2 ~~under Section 3159 shall have 30 days from the date of receipt of~~
3 ~~a written notification of the determination under subdivision (a)~~
4 ~~to provide the supervisor with additional written justification of~~
5 ~~the grounds on which trade secret protection is claimed. The~~
6 ~~additional written justification shall be submitted by certified mail.~~

7 ~~(2) The additional written justification is not a public record~~
8 ~~under subdivision (e) of Section 6252 of the Government Code,~~
9 ~~and shall be disclosed by the supervisor only to state employees~~
10 ~~with a clear need to know the information to reassess the trade~~
11 ~~secrecy determination.~~

12 ~~(c) (1) The supervisor shall make a final determination on~~
13 ~~whether the additional written justification under subdivision (b)~~
14 ~~satisfies a claim for trade secret protection, within 45 days of the~~
15 ~~date of receipt of the additional written justification.~~

16 ~~(A) If the supervisor makes a final determination that the~~
17 ~~information is not protected as a trade secret, the supervisor, within~~
18 ~~45 days, shall send a copy of the final determination to the person~~
19 ~~who provided the additional written justification, specifying a date,~~
20 ~~not sooner than 30 days from the date of the mailing of the final~~
21 ~~determination, when the information claimed to be trade secret~~
22 ~~information shall be made available to the public. The notice of~~
23 ~~the final determination shall be sent by certified mail.~~

24 ~~(2) If the supervisor makes a final determination that the~~
25 ~~information is protected as a trade secret, the supervisor, within~~
26 ~~45 days, shall send a copy of the final determination, including~~
27 ~~information stating that the determination may be challenged in~~
28 ~~court, to the person who provided the additional written~~
29 ~~justification and to any person who requested the information~~
30 ~~pursuant to Chapter 3.5 (commencing with Section 6250) of~~
31 ~~Division 7 of Title 1 of the Government Code. The notice of the~~
32 ~~final determination shall be sent by certified mail.~~

33 ~~(d) (1) A person claiming trade secret protection shall be~~
34 ~~deemed to have waived his or her claim for trade secret protection~~
35 ~~if, on the date when the final notice states that the information~~
36 ~~shall be made available to the public pursuant to subparagraph (A)~~
37 ~~of paragraph (1) of subdivision (c), he or she has not filed an action~~
38 ~~in a court of competent jurisdiction for a declaratory judgment or~~
39 ~~injunction prohibiting disclosure of the information by the~~
40 ~~supervisor after a final determination under subdivision (c).~~

1 ~~(2) A person claiming trade secret protection may, at any time,~~
2 ~~waive a claim of trade secret protection by submitting a voluntary~~
3 ~~waiver of the claim to the supervisor in writing.~~

4 ~~3162. (a) The supervisor may disclose information claimed~~
5 ~~as trade secret information to an officer or employee of the county,~~
6 ~~city, state, or federal government who has a clear need for the trade~~
7 ~~secret information for an enforcement action or emergency~~
8 ~~response.~~

9 ~~(b) The information provided under subdivision (a) shall be~~
10 ~~clearly labeled as "Confidential trade secret information."~~

11 ~~(c) An officer or employee who receives information under~~
12 ~~subdivision (a) shall maintain the confidentiality of the information~~
13 ~~and shall destroy all copies received once the need for the~~
14 ~~information has ended.~~

15 ~~3163. Nothing in this article is intended to change or supersede~~
16 ~~the disclosure of information pursuant to the California~~
17 ~~Occupational Safety and Health Act of 1973 (Part 1 (commencing~~
18 ~~with Section 6300) of Division 5 of the Labor Code), the~~
19 ~~requirements of Article 1 (commencing with Section 25500) of~~
20 ~~Chapter 6.95, concerning hazardous material release response~~
21 ~~plans and inventories, the Porter-Cologne Water Quality Control~~
22 ~~Act (Division 7 (commencing with Section 13000) of the Water~~
23 ~~Code), or any other state or federal act allowing the disclosure of~~
24 ~~chemical information.~~

25 ~~SEC. 5. Section 3215 of the Public Resources Code is amended~~
26 ~~to read:~~

27 ~~3215. (a) Within 60 days after the date of cessation of drilling,~~
28 ~~rework, hydraulic fracturing, or abandonment operations, or the~~
29 ~~date of suspension of operations, the owner or operator shall file~~
30 ~~with the district deputy, in a form approved by the supervisor, true~~
31 ~~copies of the log, core record, and history of work performed, and,~~
32 ~~if made, true and reproducible copies of all electrical, physical, or~~
33 ~~chemical logs and tests. tests. Upon a showing of hardship, the~~
34 ~~supervisor may extend the time within which to comply with this~~
35 ~~section for a period not to exceed 60 additional days.~~

36 ~~(b) (1) The supervisor shall post the information provided~~
37 ~~pursuant to Section 3156 and that is not claimed as a trade secret~~
38 ~~pursuant to Section 3158 subdivision (c) of Section 3203 to existing~~
39 ~~Internet maps on the division's Internet Web site, and shall make~~
40 ~~that information available to the public in a way that the~~

1 information is associated with each specific well where chemicals
2 are injected for purposes of hydraulic fracturing.

3 (2) For purposes of complying with the posting requirements
4 of paragraph (1), the supervisor may use an existing public Internet
5 Web site administered by the Ground Water Protection Council
6 or the Interstate Oil and Gas Compact Commission if all of the
7 following are met:

8 (A) The information is transmitted and posted to the public
9 Internet Web site in a form and manner approved by the supervisor
10 and includes the information provided to the supervisor pursuant
11 to Section 3156, except for trade secret information pursuant to
12 ~~Section 3158~~ *subdivision (c) of Section 3203*.

13 (B) There is an electronic link from the wells represented on
14 the division's existing internet maps that allows members of the
15 public to view the information about specific wells based on their
16 location.

17 (C) On and after January 1, 2014, the Chemical Disclosure
18 Registry allows for the division staff and the public to aggregate
19 data and search and sort the registry for information by geographic
20 area, ingredient, Chemical Abstract Service number, time period,
21 and operator.

22 (D) Members of the public are permitted to copy, reproduce,
23 modify, republish, upload, post, transmit, or distribute the
24 information without restriction.

25 SEC. 6. Section 3215.5 is added to the Public Resources Code,
26 to read:

27 3215.5. (a) Notwithstanding Section 10231.5, on or before
28 January 1, 2014, and annually thereafter, the supervisor shall
29 prepare and transmit to the Legislature a comprehensive report
30 regarding hydraulic fracturing in oil and gas exploration and
31 production in California, using the information provided pursuant
32 to Section 3156. Where the information involves trade secret
33 protection, the supervisor shall only use information provided
34 pursuant to paragraph ~~(2)~~ (5) of subdivision ~~(a)~~ (c) of Section ~~3159~~
35 *3203* to complete the report. The report shall additionally include,
36 but is not limited to, the following relevant information:

37 (1) Aggregated data detailing the volumes of hydraulic fracturing
38 fluid used during hydraulic fracturing, identifying whether it is
39 water suitable for irrigation or domestic purposes, water not

1 suitable for irrigation or domestic purposes, or something other
2 than water.

3 (2) Aggregated data detailing the disposition of hydraulic
4 fracturing fluid used to conduct hydraulic fracturing.

5 (3) Aggregated data detailing the volumes of each chemical
6 used in hydraulic fracturing treatments in the state, in each county,
7 and by each company, during the preceding year.

8 (4) The number of emergency responses to a spill or release.

9 (5) The number of well failures.

10 (6) Based on a representative sampling of information submitted
11 to the division pursuant to ~~subdivision (a) of Section 3159, Section~~
12 *3156 and subdivision (c) of Section 3203*, the percentage of
13 chemical information withheld within the representative sample
14 as trade secret information.

15 (b) A report to the Legislature pursuant to subdivision (a) shall
16 be submitted in compliance with Section 9795 of the Government
17 Code.

18 SEC. 7. No reimbursement is required by this act pursuant to
19 Section 6 of Article XIII B of the California Constitution because
20 the only costs that may be incurred by a local agency or school
21 district will be incurred because this act creates a new crime or
22 infraction, eliminates a crime or infraction, or changes the penalty
23 for a crime or infraction, within the meaning of Section 17556 of
24 the Government Code, or changes the definition of a crime within
25 the meaning of Section 6 of Article XIII B of the California
26 Constitution.