

# **Public Comments**

Rulemaking Petition

9/22/2016

- We have received 181 comment emails with the letter below.

Dear Board Members

I support the adoption of the proposed regulatory amendments submitted in the rulemaking petition filed on July 25, 2016, concerning the disclosure of well stimulation fluids and proprietary chemicals and trade secrets, and I encourage the Board to begin a rulemaking process and adopt the proposed changes. The chemicals used in fracking operations are often toxic and carcinogenic, and it is only fair that landowners living near fracking activities have access to this information in order to protect their families and property.

While the Board has adopted rules governing the regulation of fracking chemicals, they fall short of adequately protecting the public's right to know. Specifically, the Board must adopt rules that require operators to disclose the chemical ingredients of their fracking fluids before fracking occurs, and that close the trade secrets loophole by ensuring that only legitimate trade secrets are exempt from disclosure. Our neighboring state of Wyoming already provides these protections for its residents and there is no reason why Montanans should have to settle for less. Further, a more stringent disclosure process is essential to ensure that the regulations comply with the protections afforded all Montanans under the "right to know" provision of the Montana Constitution.

Clean water is a critical resource across Montana, and the implementation of these proposed regulatory changes is an important step forward in protecting our water resources.

Thank you for your consideration.

**Jones, Ben**

---

**From:** Margarita McLarty <maga@wispwest.net>  
**Sent:** Saturday, September 17, 2016 3:24 PM  
**To:** DNR MT OG Regulatory  
**Subject:** Fracking Fluid Disclosure

Dear Board of Oil and Gas Conservation,

Please consider updating Montana regulations on disclosure of ingredients used in Fracking. Hey guys, if Wyoming can let it's citizens know what is contained in fluids used for fracking, I can't imagine any reason why we can't do likewise in Montana.

Time to get up to speed.

Regards,

Margarita McLarty

85 Chicory Road

Livingston, Montana 59047



Montana Board of Oil and Gas Conservation  
Linda Nelson, Chairperson  
Board members  
Attn: Jim Halvorson, Administrator  
Montana Board of Oil and Gas Conservation  
2535 St. Johns Avenue  
Billings, MT 59102

September 21, 2016

Re: Petition of Rulemaking on ARM 36.22.608 and 36.22.1015-36.22.1016 regarding the regulations governing disclosure of well stimulation fluids and proprietary chemical and trade secrets

Dear Members of the Montana Board of Oil and Gas Conservation,

As a grassroots conservation and family agriculture group, founded by landowners, with the guiding principle of good stewardship of our water and land, the Northern Plains Resource Council is keenly interested in the transparency and accessibility of information about chemicals used during oil and gas development and exploration.

In consideration of our members' abiding interest in protecting water, Northern Plains would be supportive of the Board of Oil and Gas Conservation revising ARM 36.22.608 and 36.22.1015-36.22.1016 to include pre-stimulation disclosure of chemicals used during oil and gas development and exploration and to place limits on the trade secret exemption.

Early disclosure of chemicals would improve the effectiveness of landowners' baseline water testing and, ultimately, protect both landowners and operators. Without chemical disclosure before drilling operations begin, landowners have to essentially use an "educated guess" when deciding on testing parameters. Pre-drilling chemical disclosure would allow landowners to test their water for the specific chemicals planned for use in operations before drilling begins and would lay the foundation for recourse for landowners in cases of legitimate and provable water contamination. On the other hand, early chemical disclosure that allows targeted baseline water testing could also shield operators from unfounded claims of water contamination by eliminating the uncertainty in pre-drilling water quality conditions.

The trade secret exemption poses similar challenges for landowners in protecting and documenting their pre-drilling water quality. If early chemical disclosure is not as comprehensive as possible, effective baseline water testing remains problematic. As other states, such as Wyoming, have successfully developed frameworks to review and promote discretion in the use of trade secrecy claims, Montana should follow suit and adopt a similar framework.

Northern Plains recognizes and appreciates the Board's continued attention to increasing the accessibility of oil and gas drilling information to Montana's public. Revisions to ARM 36.22.608 and 36.22.1015-36.22.1016 to require pre-drilling chemical disclosure and limit trade secret exemptions would substantially improve the ability of landowners in Montana to make informed decisions when oil and gas development is occurring on their property.

We look forward to your consideration of this important issue.

Sincerely,

Deborah Hanson

A handwritten signature in black ink that reads "Deborah Hanson". The signature is written in a cursive style with a large initial "D".

Chair, Northern Plains Resource Council Oil and Gas Task Force  
220 South 27<sup>th</sup> Street, Suite A  
Billings, MT 59101

County	Comments	Producing Oil wells in 2015	Producing Gas wells in 2015
Unknown	40		
Missoula	28	0	0
Out of State	26		
Lewis and Clark	18	0	0
Gallatin	18	0	0
Lake	7	0	0
Flathead	7	0	0
Park	6	0	0
Yellowstone	6	29	0
Cascade	5	0	0
Stillwater	3	3	17
Hill	3	1	571
Carbon	3	72	30
Ravalli	2	0	0
Beaverhead	2	0	0
Rosebud	2	82	0
Lincoln	1	0	0
Sanders	1	0	0
Fergus	1	0	7
Custer	1	0	4
Jefferson	1	0	0
Big Horn	1	39	179
% non prod/out of state		86%	
% from out of state		18%	
% from non prod counties in MT		83%	