

Richmond, Tom

From: karenpete@montana.net
Sent: Tuesday, May 31, 2011 5:12 PM
To: DNR FracComments

I want to know what is in the chemicals as they will end up in my food and water.

Richmond, Tom

From: gto@wispwest.net
Sent: Tuesday, May 31, 2011 6:01 PM
To: DNR FracComments
Subject: FRACCING

Landowners whose wells have been ruined by fracking (and who have been unable to prove anything because of the secrecy surrounding these chemicals) would, of course, argue for full public disclosure. But at the very least:

-- The chemical information for any fracturing fluids used needs to be easily accessible by the public in a common area such as the Board of Oil and Gas Conservation website.

-- These chemicals need to be disclosed in advance in order for landowners in areas such as Sweet Grass County to begin baseline water testing. All landowners with water wells and springs within a 1-mile radius of the proposed well to be fracked must receive written notification of the planned chemicals to be used.

-- If the state Board of Oil and Gas Conservation decides it needs to be in the business of enforcing trade secrets over protecting water resources, then companies should at least have to apply to the BOGC and actively provide a reason for any trade secret exemptions. Even if the chemical is listed as a trade secret, it still must be disclosed to the BOGC.

Please help protect our water, health, and livelihoods by providing strong, transparent rules on chemical disclosure.

Tammy Dalling
gto@wispwest.net

Richmond, Tom

From: Suzanne Wilson [SKRanch@mtintouch.net]
Sent: Tuesday, May 31, 2011 7:52 PM
To: DNR FracComments
Subject: Reveal

If there is no danger in these chemicals and methods, why are they not being revealed? Every one's health is at stake here. People, land and animals. Exploration and development can be done right, and don't let the energy companies say they can't afford it!!
Suzanne Wilson, Big Timber

Richmond, Tom

From: Sandi Blake [sblake@mtintouch.net]
Sent: Tuesday, May 31, 2011 9:32 PM
To: DNR FracComments
Cc: Francis Blake
Subject: fracking chemicals

Dear BOGC,

We live on a ranch north of Big Timber and we are very concerned about possible future fracking in this area and what it might do to our well water. We feel it is imperative that if there is to be any fracking in our vicinity there is full disclosure of chemicals being used in this process. We beg you to enforce full disclosure by gas companies using fracking techniques as to what chemicals they will be using in the process. This disclosure must happen well in advance of the fracking process so we can do baseline studies of our well water.

Thank you for your attention in this very important matter.

Sandra and Francis Blake
316 Otter Creek Rd
Big Timber, MT 59011

Richmond, Tom

From: Hugh Zackheim [montanazac@me.com]
Sent: Wednesday, June 01, 2011 12:40 AM
To: DNR FracComments
Subject: Fracking Rule-Making

Members of the Board of Oil & Gas Conservation,

How would you like to have someone inject a variety of unknown but certain-to-be-hazardous substances in your water supply? Would you take a long drink, or would provide that water to your livestock, or would you water your crops with it?

Pretty simple questions, and Montanans have the same very simple answer -- ABSOLUTELY NOT !

The Board needs to require full disclosure of fracking chemicals, and the Board needs to regulate those that pose unacceptable risk. To do less is to violate the public trust, and perhaps to violate the Montana Constitution's guarantee of a clean and healthful environment.

It is pretty obvious that the industry simply doesn't want the public to know to what extent -- and with what poisons -- they are contaminating Montana's waters. But you are public servants -- representing the interests of the people of Montana. You are not on the Board to be corporate apologists, or to allow the wanton pollution of state waters.

Montanans have the right to know what is happening to the water that our State government -- including the Board -- holds in trust for our citizens. The course of action to take is clear: the Board must require full disclosure of fracking chemicals.

Thank you for your consideration.

Hugh Zackheim
315 Ming Place
Helena, MT 59601

Richmond, Tom

From: Gilbert Burdett [flyingbox1@yahoo.com]
Sent: Wednesday, June 01, 2011 6:47 AM
To: DNR FracComments
Subject: Full disclosure

Folks,

I am still undecided on the total acceptability and propriety of the fracking process, future information may deem it basically harmless to highly dangerous and a serious mistake, but in any case disclosure of who, when, where, and how fracking takes place is absolutely necessary. We in Montana are not prone to allowing secret activity and this is no place to start. The subsurface is a joint estate in which no single party has the right to secretively dump unknown materials, especially when they are clearly intended to NOT be contained. Disclosure can never be bad in my opinion, and is absolutely necessary to the extent of tracking participants and delegating responsibility. And, what is the need for secrecy by the participants except to avoid responsibility? Best regards.

Gilbert U. Burdett
P.O. Box 1777
Billings, MT 59103
406.652.5887
fax 406.652.9377
cell 406.671.9077

Richmond, Tom

From: Bud Barta [bbarta@bartabuilt.com]
Sent: Wednesday, June 01, 2011 7:06 AM
To: DNR FracComments
Subject: frac comment

Fracking is a process in oil and gas development that involves fracturing rock and pumping a mix of chemicals, many of which are hazardous, under high pressure into the ground. Incidents across the country have demonstrated that these chemicals can and do get into drinking water. It is only right that well owners have the information needed to test for possible well contamination. Fracking chemicals must be disclosed.

Thank you Bud Barta

Richmond, Tom

From: Henry J Lischer Jr [hjlischerjr@gmail.com]
Sent: Wednesday, June 01, 2011 8:16 AM
To: DNR FracComments
Subject: Fracking

Please help protect our water, health, and livelihoods by adopting strong, transparent rules on chemical disclosure.

H.J. Lischer, Jr.
Box 428
Nye, MT 59061

Richmond, Tom

From: Ellen Knight [mtstarrynight@gmail.com]
Sent: Wednesday, June 01, 2011 9:06 AM
To: DNR FracComments
Subject: fracking, clean water, public health and safety

Dear Members of the Oil and Gas Board:

Clean water is critical to life.

You are about to make decisions that will affect whether we have clean water or not.

Fracking is a threat to clean water; we need to know what is in the fracking chemicals that could be injected into the ground. Wells have already been seriously contaminated elsewhere. Here in Montana, if unknown, possibly dangerous chemicals are introduced underground we will likely face the same thing. Bad chemicals make for bad water.

This is not a risk worth taking. Government needs to take responsibility. There should be full disclosure--before the chemicals are injected, and, for the sake of public safety, that information needs to be available to all.

Chemicals that negatively affect health should be forbidden. Given the record thus far, it seems unlikely to me that we can guarantee that they will not leak into ground water, ground water that is used to irrigate crops, water livestock, or supply Montanans with drinking and cooking water.

At this time there is a frenetic rush to find oil. One of my deep concerns is that I fear long-term health considerations will give way to current financial and development pressures. Again, clean water is the most critical need of human beings. Therefore, it makes no sense to me not to prohibit dangerous chemicals and to require disclosure of fracking chemicals. People should know what is being injected in the ground; they have the right to know if their water and their health may be affected.

Please, slow down, and make sure you have and actually take the time for the most careful and measured consideration of the real and potential impacts of fracking chemicals on our health and public safety....including livestock and crops. Then, and only then, make decisions that protect clean water and public health.

Current and future generations will thank you for the wisdom that keeps our water clean and our health good.

Thank you for considering this perspective.

Sincerely,

Ellen Robert Knight
32 River Road
Ovando, MT 59842
mtstarrynight@gmail.com

Richmond, Tom

From: JoanHurdle [joanhurdle@bresnan.net]
Sent: Wednesday, June 01, 2011 9:53 AM
To: DNR FracComments
Subject: disclosure

BOGC,

In order to protect water quality, it is essential that all use of chemicals into the ground be fully disclosed. This is a matter of public health NOT A COMPANY SECRET!

Joan Hurdle, Billings

Richmond, Tom

From: sally thompson [oldtrails@gmail.com]
Sent: Wednesday, June 01, 2011 2:40 PM
To: DNR FracComments
Subject: Fracking disclosures

Dear Members of the Board of Oil and Gas Conservation,

I am writing to strongly encourage you to support full disclosure of the chemicals used in hydraulic fracturing for gas. Montanans and citizens of the West have been victims of industrial pollution for over a century. We and our children and grandchildren want to be able to know that you care about our well-being just like you care about your own family. It never hurts to do the right thing from the outset, where great harm can be done when it's too late to remedy poor choices.

Thanks for this opportunity to express my concern.

I trust that you'll do the right thing for your families and mine.

Sally Thompson
218 W. Sussex Ave
Missoula, 59801

Richmond, Tom

From: Lydia Garvey [wolfhowlmama@yahoo.com]
Sent: Wednesday, June 01, 2011 9:21 PM
To: DNR FracComments
Subject: Nix toxic, polluting, water wasting Fracking!

Do your job-Protect Our lands, waters, economy, wildlife & health! You work for citizens, Not industry!
Your attention to this most urgent matter would be much appreciated by all present & future generations
of all species.

Thank you
Lydia Garvey Public Health Nurse
429 S 24th Clinton OK 73601

Richmond, Tom

From: Starshine [dr.starshine@gmail.com]
Sent: Thursday, June 02, 2011 8:45 AM
To: DNR FracComments
Subject: Safe water

Please assure us that the fracturing chemicals will be SAFE if they drift into the water table because health is important and you are the only protection we have.

Starshine

--

There is nothing as certain and unchanging as uncertainty and change.

[John F. Kennedy](#)

Richmond, Tom

From: Norman Bishop [nabishop@q.com]
Sent: Thursday, June 02, 2011 10:14 AM
To: DNR FracComments
Subject: Disclosure

I urge you to put in place and enforce strong rules on disclosure of chemicals used in fracking. It is unthinkable to continue to keep secret poisons that make water undrinkable and makes people sick.

Thank you for taking action on this critical issue.

Norman A. Bishop
4898 Itana Circle
Bozeman, MT 59715

BOWERS OIL & GAS, INC.

2532 Patterson Road, Suite 11
Grand Junction, CO 81505-1097

Phone: (970) 245-1342
Fax: (970) 243-7787

JAMES E. BOWERS, President

RECEIVED

JUN - 2 2011

**MONTANA BOARD OF OIL
& GAS COM'S BILLINGS**

May 31, 2011

Board of Oil & Gas Conservation
2535 St. Johns Avenue
Billings, MT 59102

Re: New Proposed Rules I through V
Regarding oil and gas well stimulation

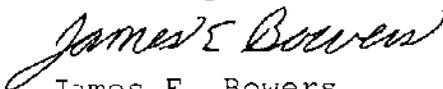
Dear Sir or Madame:

We would like to make two (2) comments about the above captioned proposal. New Rule II Disclosure of Well Stimulation Fluids (1). This proposal states the data for an existing well needs to be provided. This may be impossible for older wells whose records are no longer available. It may be very time consuming if the operator operates a large number of wells. It is suggested the inclusion of an existing well in (1) be dropped, and an addition (5) be inserted - "in the case of an existing well the operator will conduct a reasonable search in an effort to provide the afore mentioned information if requested to do so by the Board".

Second, Proposed New Rule IV Safety and Well Control Requirement - Hydraulic fracturing, indicates to us the casing must be tested in the well. If our indication is correct we would suggest adding (6) - "if the casing has been tested, in the factory, at a pressure equal to or in excess of the anticipated maximum treating pressure it shall be exempt from this rule".

If you have any questions or need additional information please let us know.

Sincerely,



James E. Bowers
President

JEB:lsc

Richmond, Tom

From: Mark Mackin [markmackin@juno.com]
Sent: Sunday, June 05, 2011 11:52 AM
To: DNR FracComments
Subject: Rules Adoption: Well Stimulation/geological strata fracturing

Tom Richmond, Board of Oil and Gas Conservation, 2535 St. Johns Avenue, Billings, MT 59102

Please consider the following comments regarding your proposed rules regarding the stimulation of oil and gas wells:

Well stimulation should indeed require a permit or be part of the initial permitting.

Well stimulation fluids should be disclosed to the public to protect water supplies and allow land owners a reasonable opportunity to a) object, and b) monitor water quality. The surface land owner or water right owner should be given enough advance notice to understand and evaluate the fracturing mixture, and if necessary, do baseline testing and establish monitoring methods.

Unless a process is original, and not a minor variation of materials and processes already in general use, its use should not be regarded as proprietary. If an operator wants to claim a proprietary exclusion from disclosure, that material, chemical, or process should be submitted to the department with the permit request for review as to whether it is sufficiently original to qualify. The burden of proof should be carried by the operator. Since the chemicals that are injected will chemically interact with other chemicals and materials, and this will be affected by the processes and geochemistry of the strata exposed to the process, it is probable that new molecules will be formed in the process. This requires evaluation of the mix and the process and knowledge of the strata in order to effectively determine any risks. The public, and those most immediately exposed to the effects should be able to determine how the stimulation process will affect their interests and their health.

The physician's duty is to his patient, not to any industry. As medical health information is confidential and protected, I do not see the need for a physician to sign a non-disclosure agreement.

However, any physician or other health official who detects a threat to public health should be obligated to disclose that threat to their patient or their employer, and to the appropriate public health authority, and the Board of Oil and Gas. Health professionals are obligated to report child abuse or elder abuse, and no lesser standard should apply here. Stopping health professionals from treating disease or from reporting potential public health problems will remove one of the best early detection methods. Early detection will minimize damage to the human population and other resources.

The nature of any toxic, flammable, or explosive chemicals and materials as stored or mixed at or near the surface should be known to emergency services, particularly first responders: EMT; fire departments, and law enforcement.

In New Rule II (4) The Board is handing its oversight and enforcement authority over to another entity. If it is another governmental entity, this may or may not be appropriate, depending upon authorization from the Legislature. If it is a private or quasi-governmental entity, this should not be done, absent specific authority from the Legislature, and in that case the Board should analyze any potential constitutional issues.

Please also consider this my written request to be on your lists for other DNRC rules changes or notices for water resources and oil and gas issues. You may send notices via the e mail address above. I am the contact person and my address is stated below.

Sincerely,

/ss/ Mark Mackin /ss/

Mark Mackin, Attorney at Law
4703 Almosta Road
Helena, MT 59602
Cell: (406) 422-8652
Ph: (406) 227-5237

Richmond, Tom

From: Eileen Carney [jecarneymt@yahoo.com]
Sent: Monday, June 06, 2011 3:04 AM
To: DNR FracComments
Subject: facing chemicals

As a homeowner with a well, I think it is absolutely important that we be given information about what companies are putting in our water. We need to be able to protect the health of our children against threats to our water supply. To have a corporation say that they have the right to destroy our water for economic gain is outrageous. Please tell companies that they have to disclose what they are doing to us by letting us know what chemicals are poisoning our water supply. Eileen Carney, P.O. Box 1193, Libby, Mt 59923

Richmond, Tom

From: Munro, Gregory [Gregory.Munro@mso.umt.edu]
Sent: Monday, June 06, 2011 1:18 PM
To: DNR FracComments

Please promulgate rules which provide readily accessible information about all chemicals used in any fracking process. Our water supplies need to be protected from this destruction.

Greg Munro
Missoula, MT

Richmond, Tom

From: Sarah Lesnar [slesnar@aeromt.org]
Sent: Monday, June 06, 2011 1:24 PM
To: DNR FracComments
Subject: Fracking chemical disclosure rules

I am writing to request that you adopt rules which provide readily available public access to the toxic chemicals used in fracking. This is important in protecting Montana's water quality. Specifically:

- The chemical information for any fracturing fluids used needs to be easily accessible by the public on the Board of Oil and Gas' website.
- These chemicals need to be disclosed in advance in order for landowners to begin baseline water testing. All landowners with water wells and springs within a 1 mile radius of the proposed well to be fracked, must receive written notification of the planned chemicals to be used.
- Companies should have to apply to the Board of Oil and Gas and provide a written justification available to the public for any trade secret exemptions. Exemptions should only be granted in extremely rare circumstances. Even if the chemical is listed as a trade secret, it still must be disclosed to the Board of Oil and Gas.

SARAH LESNAR

Energy Program Manager
Alternative Energy Resources Organization (AERO)
432 N. Last Chance Gulch, Helena, MT 59601
Office: (406) 443-7272 / Fax: (406) 442-9120
www.aeromt.org / slesnar@aeromt.org

Richmond, Tom

From: Beth Madden [bethmadden64@gmail.com]
Sent: Monday, June 06, 2011 1:45 PM
To: DNR FracComments
Subject: Comments - Rules on Fracking

Dear MT Oil and Gas Conservation Board:

I am writing to ask that we protect the public and clean water of Montana but writing strong and sensible rules on disclosure of chemicals used by the O&G industry in fracking. My main points of concern are:

- The chemical information for any fracturing fluids used needs to be easily accessible by the public on the Board of Oil and Gas' website.
- These chemicals need to be disclosed in advance in order for landowners in areas such as Sweet Grass and Park County to begin baseline water testing. All landowners with water wells and springs within a 1 mile radius of the proposed well to be fracked, must receive written notification of the planned chemicals to be used.
- Companies should have to apply to the Board of Oil and Gas and provide a written justification available to the public for any trade secret exemptions. Exemptions should only be granted in extremely rare circumstances. Even if the chemical is listed as a trade secret, it still must be disclosed to the Board of Oil and Gas.

Thank you for your work in conserving Montana's oil and gas resources.

Sincerely,

Elizabeth Madden

108 S 9th St

Livingston, MT 59047

224-1012

Richmond, Tom

From: Robert Horne [rhone@appcom.net]
Sent: Monday, June 06, 2011 1:56 PM
To: DNR FracComments
Subject: comment

Dear Sirs: Fracking is a dangerous and environmentally destructive process resulting in the interaction of the fracking chemicals and groundwater-----thereby polluting the groundwater beyond the point of being put to most consumptive uses. We should not be allowing fracking in Montana, or anywhere else for that matter. If fracking is to be allowed, then the identity of the chemicals used should be **public information**, and any oil or gas company who pollutes ground water with a fracking chemical should be substantially fined, and should be forced to make reparations to those impacted. Please do not fall for the industry claiming that the fracking compounds are "proprietary". Sorry, but the public's health and right to know trumps the industry's desire to keep the identity of their chemicals secret. Thank you for the opportunity to comment.

Robert Horne, Jr.,AICP
151 Wedgewood Lane
Whitefish, MT 59937

Richmond, Tom

From: PLS1HELIX@aol.com
Sent: Monday, June 06, 2011 1:57 PM
To: DNR FracComments
Subject: Fracking Chemicals

Nothing is more important than clean air and water. Oil and gas companies must be forced to disclose what they put into our water supplies and then be legally responsible when problems arise, as they already have. **Corporate profit is NOT more important than public health.**

Paul Schutt

Richmond, Tom

From: bob beck [bob2325@yahoo.com]
Sent: Monday, June 06, 2011 2:10 PM
To: DNR FracComments

The failure to require that information related to the chemical makeup of fluids used be available for public information and safety would be unconscionable to me. The information should be readily available, available for consideration in advance of projects and if it is proved to be of a unique make up to meaningfully apply to trade secrets, the chemical information should still be available to public entities in the nature of the public good. In following the national debate, I am once again offended at the absurdity of corporate obstruction and even congressional special interest legislation.

Thank you,
Robert Beck
PO Box 162
Somers, Mt 59932
406.857.2325

Richmond, Tom

From: Patti Borneman [patricia.borneman@gmail.com]
Sent: Monday, June 06, 2011 2:12 PM
To: DNR FracComments
Subject: Fracking rules comment

June 6, 2011

Dear Board of Oil and Gas Conservation,

With regard to the proposed new rules on disclosure of chemicals used in hydraulic fracturing operations, I urge the Board to add and adopt the following:

- The chemical information for any fracturing fluids used needs to be easily accessible by the public on the Board of Oil and Gas' website.
- These chemicals need to be disclosed in advance in order for landowners in areas such as Sweet Grass County to begin baseline water testing. All landowners with water wells and springs within a 1 mile radius of the proposed well to be fracked, must receive written notification of the planned chemicals to be used.
- Companies should have to apply to the Board of Oil and Gas and provide a written justification available to the public for any trade secret exemptions. Exemptions should only be granted in extremely rare circumstances. **Even if the chemical is listed as a trade secret, it still must be disclosed to the Board of Oil and Gas.**

Please take any and all necessary precautions before permitting fracking activities that could irreversibly do harm to public health and landowners' livelihoods.

Thank you.

Patti Borneman
100 Jefferson St.
Helena, MT 59601
patricia.borneman@gmail.com

Richmond, Tom

From: Don J. Burgard [burgie-sub@hughes.net]
Sent: Monday, June 06, 2011 2:52 PM
To: DNR FracComments
Subject: Fracking Chemical Use

There just shouldn't be any excuses or reasons why a list of all chemicals used in fracking is not provided to a responsible board for evaluation.

Don J. Burgard
burgie-sub@hughes.net

Richmond, Tom

From: Patty Mayne [noahdjnanny@yahoo.com]
Sent: Monday, June 06, 2011 2:58 PM
To: DNR FracComments
Subject: Public Comments

Please adopt which provide readily available public access to toxic chemicals used in fracking. Please give advanced notice to use of chemicals to all affected landowners with wells or springs that may be affected.

Montana's water quality depends on strong regulations.

No secrets. All chemicals used should be disclosed to the Board of Oil and Gas.

Thank you for considering my comments,

Patricia Mayne
71 Grizzly Mountain Lane
Cameron, Mt. 59720

Richmond, Tom

From: Mark Johnstad [mjohnstad@igc.org]
Sent: Monday, June 06, 2011 3:41 PM
To: DNR FracComments
Subject: Disclosure

I encourage you to adopt rules for fracking requiring full public disclosure and reporting of all chemicals and the amounts of these chemicals to be used prior to permit approval.

Best,

Mark Johnstad

Mark Johnstad
P.O. Box 981
Emigrant, Montana 59027

Tel: +1 (406) 546-0460
Email: mjohnstad@igc.org

Richmond, Tom

From: Karole Lee [karole.lee@dishmail.net]
Sent: Monday, June 06, 2011 4:02 PM
To: DNR FracComments
Subject: Hydraulic fracturing

Ladies and Gentlemen:

Montana's water quality depends on knowing what toxic chemicals are used in hydraulic fracturing ("fracking"), and I urge you to adopt rules which will provide public access to the chemicals being used in this process.

Thank you for taking this into consideration.

Sincerely,

Karole Lee

--

Karole Lee

457 Lump Gulch Road
Clancy, Montana 59634

Richmond, Tom

From: grace [grace@mt.net]
Sent: Monday, June 06, 2011 3:58 PM
To: DNR FracComments
Subject: public access to chemical information on fracturing fluid

Dear Montana Board of Oil and Gas Conservation:

I strongly urge you to change your draft rules for public access to information about the potentially toxic chemicals used in hydrofracking.

The chemical information for any fracturing fluids used needs to be easily accessible by the public on the Board of Oil and Gas' website.

These chemicals need to be disclosed in advance in order for landowners in areas such as Sweet Grass County to begin baseline water testing. All landowners with water wells and springs within a 1 mile radius of the proposed well to be fracked, must receive written notification of the planned chemicals to be used. In addition, companies should have to apply to the Board of Oil and Gas and provide a written justification available to the public for any trade secret exemptions. Exemptions should only be granted in extremely rare circumstances. Even if the chemical is listed as a trade secret, it still must be disclosed to the Board of Oil and Gas.

Please adopt rules that protect the water, land, and people of Montana.

Thank you,
Grace Hodges
Helena, MT

Richmond, Tom

From: Pat Simmons [psimmons@imt.net]
Sent: Monday, June 06, 2011 4:06 PM
To: DNR FracComments
Subject: Fracking

You need to get out ahead on controlling and managing fracking. We cannot risk ruining water and land in Montana for the oil and gas industry. Don't forget private property rights, the health of Montana citizens, and the agriculture economy in Montana. You should be doing heavy-duty research to learn all the downsides of fracking. We are one of the last best places in the world. People have a right to know everything about fracking, and a right to fight it to the "death". This is outrageous that this method is allowed and you don't even know the short-term and long-term impacts on the natural resources, health and private property rights. There shouldn't be any secrets! Don't be beholden to one industry at the expense of everything else!

Pat Simmons
1123 Woodland Drive
Bozeman, MT 59718
psimmons@imt.net

Richmond, Tom

From: Deb [deborahanley46@yahoo.com]
Sent: Monday, June 06, 2011 4:21 PM
To: DNR FracComments
Subject: Fracking and Related Chemical Disclosure

I am writing to ask the Board to implement the following suggestions in order to make full disclosure of fracking chemicals easily accessible to the public:

- The chemical information for any fracturing fluids used needs to be easily accessible by the public on the Board of Oil and Gas' website.
- These chemicals need to be disclosed in advance in order for landowners in areas such as Sweet Grass County to begin baseline water testing. All landowners with water wells and springs within a 1 mile radius of the proposed well to be fracked, must receive written notification of the planned chemicals to be used.
- Companies should have to apply to the Board of Oil and Gas and provide a written justification available to the public for any trade secret exemptions. Exemptions should only be granted in extremely rare circumstances. Even if the chemical is listed as a trade secret, it still must be disclosed to the Board of Oil and Gas.

Our health should not be threatened by unidentified chemicals; only full disclosure easily accessible on your web site would give the public peace of mind.

Thank you.

Deborah Hanley
Montana landowner
Sent from my iPhone

Richmond, Tom

From: Toddy Perryman [toddyapat@bitterroot.com]
Sent: Monday, June 06, 2011 5:03 PM
To: DNR FracComments
Subject: fracking fluid rules

To the Board of Oil and Gas,

I strongly encourage you to adopt rules for the 'fracking' fluids used to extract gas deposits which would truly give the public the information it needs to protect themselves and their water supplies. It is critical that this information be fully inclusive of all ingredients in fracking fluids and that this information be easily available to the public. Posting this information on your website would be a good idea.

In order for landowners to protect themselves in areas being drilled, they will need this information in advance of any drilling so that they will be able to test their water before drilling begins to establish baseline data. Written notification to landowners within a one mile radius of any drill site is important.

Trade secret exemptions should be used only in very extreme cases, if at all. Any application for trade secret status should be available to the public for viewing.

There have been numerous credible instances of significant water quality damage associated with fracking fluids. This is not a trivial issue and must be treated with all seriousness as a matter of public importance.

Your agency is tasked with protecting the public in this matter. Please take this issue seriously and give the public the courtesy of having information available to them to protect their health and safety. We already know that the oil and gas companies do not do this. We must be given the information we need to keep ourselves and our property and our water resources protected.

Thank you for this opportunity to comment.

Sincerely,

Toddy Perryman
1525 Silver Sage Ln.
Corvallis, MT 59828-9573

Richmond, Tom

From: Anne Millbrooke [anne27m@yahoo.com]
Sent: Monday, June 06, 2011 5:28 PM
To: DNR FracComments
Subject: Disclose the fracking chemicals

Fracking has done much damage in other states due to the lack of effective regulation. I supported State Senator Bob Hawk's efforts during the last legislative session, and I still support rules requiring the disclose of chemicals used in hydraulic facturing. I do not want companies deciding what is potentially toxic or not. I want full disclosure.

Sincerely,
Anne Millbrooke

3410 Golden Valley Drive
Bozeman, MT 59718
406-599-1096

Richmond, Tom

From: Suzanna McDougal [suzanna@wildblue.net]
Sent: Monday, June 06, 2011 5:46 PM
To: DNR FracComments
Subject: fracking

To Whom It May Concern:
Board of Oil and Gas Conservation:

I am very concerned about ground water pollution caused by using hydraulic fracturing to extract oil and gas. Please adopt rules which provide easily available public access to the toxic chemicals used in fracking. Our clean and healthy water quality depends on this. We need to know in ADVANCE so that landowners within a mile where fracking might occur, can begin baseline water testing.

Companies must apply to the Board of Oil and Gas and provide written justification available to the public for any trade secret exemptions for these toxic chemicals. Even if listed as a secret, it still must be disclosed!

Sincerely,
Suzanna McDougal
PO Box 1335
Hamilton, MT 59840

Richmond, Tom

From: Gene & Linda Sentz [friends@3rivers.net]
Sent: Monday, June 06, 2011 5:51 PM
To: DNR FracComments
Subject: Rules regarding disclosure of potentially toxic chemicals used in hydraulic fracturing

Thank you for the opportunity to comment on rules for 'fracking'.

We encourage the Board of Oil and Gas to adopt rules that protect the public and clean water. Remember that:

- The chemical information for any fracturing fluids used needs to be easily accessible by the public on the Board of Oil and Gas' website.
- These chemicals need to be disclosed in advance in order for landowners in areas such as Sweet Grass County to begin baseline water testing. All landowners with water wells and springs within a 1 mile radius of the proposed well to be fracked, must receive written notification of the planned chemicals to be used.
- Companies should have to apply to the Board of Oil and Gas and provide a written justification available to the public for any trade secret exemptions. Exemptions should only be granted in extremely rare circumstances. Even if the chemical is listed as a trade secret, it still must be disclosed to the Board of Oil and Gas.

Gene & Linda Sentz
Choteau, Montana 59422-0763

Richmond, Tom

From: Heather Ristow [ristowh@gmail.com]
Sent: Monday, June 06, 2011 6:21 PM
To: DNR FracComments
Subject: fracking

Dear BOGC:

Please require disclosure of chemicals involved in fracking; it is in our best interests to be transparent.

Thank you,

Heather Ristow

Richmond, Tom

From: Marta Meengs [mmeengs@msn.com]
Sent: Monday, June 06, 2011 6:25 PM
To: DNR FracComments
Subject: Fracking rules

To the Board of Oil and Gas: Please consider the points listed below when making decisions concerning the fracking technique used to extract oil from the ground. The detrimental effects of polluted aquifers and water sources must always be considered. Even though our need for oil seems sometimes desperate, nothing is more important to our lives than maintaining safe water supplies.

- The chemical information for any fracturing fluids used needs to be easily accessible by the public on the Board of Oil and Gas' website.
- These chemicals need to be disclosed in advance in order for landowners in areas such as Sweet Grass County to begin baseline water testing. All landowners with water wells and springs within a 1 mile radius of the proposed well to be fracked, must receive written notification of the planned chemicals to be used.
- Companies should have to apply to the Board of Oil and Gas and provide a written justification available to the public for any trade secret exemptions. Exemptions should only be granted in extremely rare circumstances. Even if the chemical is listed as a trade secret, it still must be disclosed to the Board of Oil and Gas.

Thank you for your consideration, Marta Meengs 107 North Ave. W.
Missoula, MT 59801

mmeengs@msn.com

Richmond, Tom

From: Edd Blackler [blacksandedd@gmail.com]
Sent: Monday, June 06, 2011 6:54 PM
To: DNR FracComments
Subject: Fracking with toxic chemicals

Attention Board of Oil And Gas Conservation:

The process of fracking is placing many Montanans in serious danger.

We need rules enacted that will allow landowners within a one mile radius of any well that is being proposed for fracking, the opportunity to know exactly what toxic chemicals will be used, and what precautions, if any, they can take to protect the quality of their water supply.

There should be no exemptions for revealing which toxic chemicals will be used in the fracking process, even though they may be "trade secrets". The health and welfare of Montanans outweighs any "trade secrets" argument.

Please do all you can to implement the necessary rules to protect us.

Edd Blackler, POB 555, Bigfork, MT. 59911

Richmond, Tom

From: Ellen & John Cox [ellenjohncox@hughes.net]
Sent: Monday, June 06, 2011 6:59 PM
To: DNR FracComments
Subject: Require Disclosure

To the Board of Oil and Gas,

Fracking may prove at some time to be a safe way of helping extract underground fuels. However, it is a relatively new technology that involves pumping large amounts of water and chemicals into the earth. I firmly believe that the public has a right to know exactly what those chemicals are.

Please require companies to disclose the chemicals which are used in fracking. It is in the public interest.

Sincerely,

Ellen Cox

6895 Austin Rd
Helena, MT 59602

Richmond, Tom

From: NANCY WIGGINS [nwiggin83@gmail.com]
Sent: Monday, June 06, 2011 8:20 PM
To: DNR FracComments
Subject: Clean water

Please adopt rules that protect the public and clean water. The chemical information for any fracturing fluids used needs to be easily accessible by the public on the Board of Oil and Gas' website. These chemicals need to be disclosed in advance in order for landowners in areas such as Sweet Grass County to begin baseline water testing. All landowners with water wells and springs within a 1 mile radius of the proposed well to be fracked, must receive written notification of the planned chemicals to be used. Companies should have to apply to the Board of Oil and Gas and provide a written justification available to the public for any trade secret exemptions. Exemptions should only be granted in extremely rare circumstances. Even if the chemical is listed as a trade secret, it still must be disclosed to the Board of Oil and Gas. Thank you,

Nancy wiggins
Billings, MT

Richmond, Tom

From: Arlo Skari [askari@bresnan.net]
Sent: Monday, June 06, 2011 8:53 PM
To: DNR FracComments
Subject: Disclosure of chemicals in fracking fluids

Montana Board of Oil & Gas
Billings, MT 59102

Dear Members.

As a farmer and former Pharmacist, I am asking that you adopt rules that require the public to have access to the names of the toxic chemicals used in fracking. Our farm has a private water system and we absolutely have to know what chemicals are being used in fracking if a gas or oil well were to be drilled on our property or the neighbor's property. People have the right to know what chemicals are in the drugs that are being prescribed for them and yet the companies that developed these drugs have a right to patent these for a certain period thus protecting their investment. This would also extend to the company developing these fracking chemicals to have a patent of the making and selling of these chemicals.

However, the people who may have their water contaminated, must know just what the chemicals are being used by the O & G drillers if they are to avoid damage to human or even animal health.

Thanks for your time,

Arlo Skari
P O Box 296
Chester, MT 59522
(406) 292-3602

Richmond, Tom

From: linda c [lindakalispell@live.com]
Sent: Monday, June 06, 2011 11:19 PM
To: DNR FracComments
Subject: fracking rules

Dear Board of Oil and Gas Conservation
2535 St. Johns Avenue
Billings, MT 59102

I understand that you will be adopting rules which provide readily available public access to the toxic chemicals used in fracking. Please adopt rules which adhere to the precautionary principle. this means that no fracking chemicals would be used unless it is proved that there is no chance of any harm to or contamination of any water, human, insect or animal.

Please immediately make public all fracking chemicals which have been used and are in current use. This information must be made public and in writing to be accessible by all. There must never be any exceptions in this disclosure.

We are at a point where corporations must become responsible citizens of the earth.

i really don't care about giving the public notice of what chemicals will be polluting their water because no water should ever be polluted. Please engage your heart and think about the impact of your decision. publicly and verbally tell us how your decision will impact the next 7 generations. i will look forward to your response. please provide details and examples of real families and people where fracking has already occurred. tell us what kind of medical experiences will be incurred as a result of drinking fracking water. tell us what kind of quality of life these people will have after your company is long gone. what will this area be like in 7 generations? will there be life at all? will people be sickly? will cancer be prevalent? will immune systems be compromised? please provide precise details about how you arrived at your decision. you should personally be willing to drink fracking water if you choose to allow it in our water supply.

I have voluntarily worked to protect the waters of montana. i will not stop. please join me in protecting montana's water.

thank you.

linda christensen, kalispell, montana

Richmond, Tom

From: bradshaw [bradshaw@mt.net]
Sent: Tuesday, June 07, 2011 12:06 AM
To: DNR FracComments
Subject: Fracking rules

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

I request that you adopt these rules that protect the public and clean water. Oil and gas may be in short supply, but there are alternative fuels. There is no alternative water to turn to once surface and ground waters are ruined.

- The chemical information for any fracturing fluids used needs to be easily accessible by the public on the Board of Oil and Gas' website.
- These chemicals need to be disclosed in advance in order for landowners in areas such as Sweet Grass County to begin baseline water testing. All landowners with water wells and springs within a 1 mile radius of the proposed well to be fracked, must receive written notification of the planned chemicals to be used.
- Companies should have to apply to the Board of Oil and Gas and provide a written justification available to the public for any trade secret exemptions. Exemptions should only be granted in extremely rare circumstances. Even if the chemical is listed as a trade secret, it still must be disclosed to the Board of Oil and Gas.

Thank you for your time and consideration.

Sincerely,
Glenda Bradshaw
430 S. Lamborn St.
Helena, MT 59601

Richmond, Tom

From: Beth Schenk [ecschenk@msn.com]
Sent: Tuesday, June 07, 2011 6:39 AM
To: DNR FracComments
Subject: Please adopt rules that protect water quality

- The chemical information for any fracturing fluids used needs to be easily accessible by the public on the Board of Oil and Gas' website.
- These chemicals need to be disclosed in advance in order for landowners in areas such as Sweet Grass County to begin baseline water testing. All landowners with water wells and springs within a 1 mile radius of the proposed well to be fracked, must receive written notification of the planned chemicals to be used.
- Companies should have to apply to the Board of Oil and Gas and provide a written justification available to the public for any trade secret exemptions. Exemptions should only be granted in extremely rare circumstances. Even if the chemical is listed as a trade secret, it still must be disclosed to the Board of Oil and Gas.

Fracking takes unnecessary risks to the health of our water quality, which then affects health of humans. Toxic chemicals need to be revealed to those who will be exposed to them. Trade secrets that harm others should not be protected. Please adopt rules which make information about these chemicals available to the public.

Sincerely,

Beth Schenk RN, MHI
Missoula, Montana

Richmond, Tom

From: Dan and Nancy Jochem [jochem@theglobal.net]
Sent: Tuesday, June 07, 2011 7:45 AM
To: DNR FracComments
Subject: Fracking chemicals

Dear Montana Board of Oil and Gas Conservation

Please adopt rules which provide readily available public access to the toxic chemicals used in fracking. Montana's water quality depends on it!

Best Regards,
Dan and Nancy Jochem
9270 Trooper Trail
Bozeman, MT 59715
jochem@theglobal.net

Richmond, Tom

From: Anne Hamilton [hamstir70@imap.aol.com]
Sent: Tuesday, June 07, 2011 8:29 AM
To: DNR FracComments
Subject: full disclosure

I would like to see what chemicals used in the chemical fracturing process, especially since those substances could end up in groundwater and cause a disaster. What would a community be without their water?

Th;anks Annie Hamilton

Richmond, Tom

From: Wayne Chamberlin [swchamberlin@yahoo.com]
Sent: Tuesday, June 07, 2011 8:45 AM
To: DNR FracComments

I strongly support the public's right to know what substances are used in the proposed fracking processes. This is a public health issue; corporate power is not as important as citizen's health and protection of property.

Wayne Chamberlin, MD.

Richmond, Tom

From: charlie donnes [charliedonnes@mac.com]
Sent: Tuesday, June 07, 2011 8:57 AM
To: DNR FracComments
Cc: Anne Hedges
Subject: Hydrofracturing in MT

That petroleum exploration and extraction outfits are permitted to possibly ruin subterranean water, a public resource, by injecting chemicals into it *without itemized prior public disclosure and public oversight* is an outrageous breach of government responsibility. The environmental destruction in pursuit of profit by energy companies was a prime reason for the formation of the EPA, if you wish to remember. The lying is in direct proportion to the profit expected: study the Clark WY blowout responses by the industry. A good general rule: If an oilman's lips are moving, he's lying.

Charlie Donnes
1214 Clark Avenue
Billings 59102

Richmond, Tom

From: Starshine [dr.starshine@gmail.com]
Sent: Tuesday, June 07, 2011 9:04 AM
To: DNR FracComments
Subject: Concerns re fracking

Water MUST BE protected from contamination and I need YOU to protect us from the oil and gas companies. They need NOT disclose the proportions of what chemicals are being used but we do NEED to know WHAT CHEMICALS are being used and SOME CHEMICALS such as benzine are known to cause cancer and MUST NEVER be injected.

Starshine
Great Falls

--

There is nothing as certain and unchanging as uncertainty and change.

[John F. Kennedy](#)

Richmond, Tom

From: Richard Landini [richganesh54@gmail.com]
Sent: Tuesday, June 07, 2011 9:27 AM
To: DNR FracComments
Subject: fracking rules

I agree with the MEIC. We must at least use our science to determine the effects of this process. Personally, I see no difference between injecting poison into the earth and injecting heroin into our veins. This is not a business decision. Thank You. Rich Landini, Missoula.

Richmond, Tom

From: Leif Nelson [leifjst@msn.com]
Sent: Tuesday, June 07, 2011 10:30 AM
To: DNR FracComments
Subject: frac comments

- The chemical information for any fracturing fluids used needs to be easily accessible by the public on the Board of Oil and Gas' website.
- These chemicals need to be disclosed in advance in order for landowners in areas such as Sweet Grass County to begin baseline water testing. All landowners with water wells and springs within a 1 mile radius of the proposed well to be fracked, must receive written notification of the planned chemicals to be used.
- Companies should have to apply to the Board of Oil and Gas and provide a written justification available to the public for any trade secret exemptions. Exemptions should only be granted in extremely rare circumstances. Even if the chemical is listed as a trade secret, it still must be disclosed to the Board of Oil and Gas.

Thank you for Helping to protect our clean water.

Leif Nelson
926 2nd Ave East
Kalispell, Mt 59901

Richmond, Tom

From: Linda Holding [lhs@blackfoot.net]
Sent: Tuesday, June 07, 2011 10:38 AM
To: DNR FracComments
Subject: fracking rules

Thank you for your attention to public comment.

I am deeply concerned about the chemicals used in fracking procedures, especially chemicals that contaminate our aquifers. There has to be public "transparency" using such dangerous chemicals.

I offer the following list as public rules for our protection. Thank you.

Linda Holding
P.O. Box, 812Arlee, MT 59821 lhs@blackfoot.net

- The chemical information for any fracturing fluids used needs to be easily accessible by the public on the Board of Oil and Gas' website.
- These chemicals need to be disclosed in advance in order for landowners in areas such as Sweet Grass County to begin baseline water testing. All landowners with water wells and springs within a 1 mile radius of the proposed well to be fracked, must receive written notification of the planned chemicals to be used.
- Companies should have to apply to the Board of Oil and Gas and provide a written justification available to the public for any trade secret exemptions. Exemptions should only be granted in extremely rare circumstances. Even if the chemical is listed as a trade secret, it still must be disclosed to the Board of Oil and Gas.

Richmond, Tom

From: Edwin Fields [edwin@fieldsconstruction.us]
Sent: Tuesday, June 07, 2011 10:46 AM
To: DNR FracComments
Subject: fracking

To Whom it concerns; it really doesn't make any sense to me to pollute ground water while extracting oil and gas . How would you feel if your well became poisonous? It makes even less sense to not even know what chemicals are used in this process. Please adopt rules which provide for public knowledge of fracking chemicals.

Richmond, Tom

From: Mathsen, R.M. and L.S. [mathsenlrm@yahoo.com]
Sent: Tuesday, June 07, 2011 11:39 AM
To: DNR FracComments
Subject: Fracing

The use of fracing is dangerous. It seems even more dangerous since the companies who use it won't reveal what chemicals are being used in this process. It is time to call them to task to reveal what is being used and then rule against the use of dangerous chemicals and levy fines as appropriate.

Ronald M. Mathsen
122 Treasure State DR
Great Falls, MT 59404-3402

Richmond, Tom

From: bruce hunner [bchunner@gmail.com]
Sent: Tuesday, June 07, 2011 11:51 AM
To: DNR FracComments
Subject: chemicals

ALL chemicals injected into surface or subterranean zones should be publically listed for everyone to see.

Contaminants in ground water have the potential to travel dozens of miles from the source.

If there are caveats to methane extraction the public MUST know.

Richmond, Tom

From: alison young [aliyoung17@gmail.com]
Sent: Tuesday, June 07, 2011 12:19 PM
To: DNR FracComments
Subject: Fracking

Please adopt rules that protect the public and clean water:

- The chemical information for any fracturing fluids used needs to be easily accessible by the public on the Board of Oil and Gas' website.
- These chemicals need to be disclosed in advance in order for landowners in areas such as Sweet Grass County to begin baseline water testing. All landowners with water wells and springs within a 1 mile radius of the proposed well to be fracked, must receive written notification of the planned chemicals to be used.
- Companies should have to apply to the Board of Oil and Gas and provide a written justification available to the public for any trade secret exemptions. Exemptions should only be granted in extremely rare circumstances. Even if the chemical is listed as a trade secret, it still must be disclosed to the Board of Oil and Gas.

Richmond, Tom

From: JOHN S DR MEST [Mestmnhttn@q.com]
Sent: Tuesday, June 07, 2011 1:33 PM
To: DNR FracComments
Subject: Fracking Rules

To The Montana Board of Oil and Gas Conservation:

We are writing to comment on the draft rules which exempt chemicals deemed to be trade secrets. We encourage you to adopt rules that protect the public and clean water. The public should have the ability to access what toxic chemicals are being used before the drilling starts. In Wyoming and Pennsylvania there have been chemicals used in the fracking process found in drinking water wells. They have similar disclosure rules. We think Montana should learn by the mistakes made in these other states. Besides the possible damage to water quality there is all the traffic that destroys roads and quality of life in these areas. Thank you for the chance to comment.

John and Eleanor Mest
Manhattan, MT 59741

Richmond, Tom

From: LBoman@aol.com
Sent: Tuesday, June 07, 2011 1:38 PM
To: DNR FracComments
Subject: Proposed Fracking Rules

Dear Board of Oil and Gas:

Please ensure rules require readily available public access to the toxic chemicals used in fracking.

Our water quality depends on your action. In addition to water quality, our reputation as land of unspoiled nature is at stake.

Fracking without protective rules endangers our health and our economy.

Don't let fracking destroy our state.

Sincerely,
Lee Boman
Seeley Lake, Montana

Richmond, Tom

From: Jana Goodman [janamontana@live.com]
Sent: Tuesday, June 07, 2011 1:38 PM
To: DNR FracComments
Subject: fracking

adopt rules that protect the public and clean water:

- The chemical information for any fracturing fluids used needs to be easily accessible by the public on the Board of Oil and Gas' website.
- These chemicals need to be disclosed in advance in order for landowners in areas such as Sweet Grass County to begin baseline water testing. All landowners with water wells and springs within a 1 mile radius of the proposed well to be fracked, must receive written notification of the planned chemicals to be used.
- Companies should have to apply to the Board of Oil and Gas and provide a written justification available to the public for any trade secret exemptions. Exemptions should only be granted in extremely rare circumstances. Even if the chemical is listed as a trade secret, it still must be disclosed to the Board of Oil and Gas.

Richmond, Tom

From: Doug Anderson/ Mary Miester [swanridge@blackfoot.net]
Sent: Tuesday, June 07, 2011 5:10 PM
To: DNR FracComments
Subject: Fracking rules

Board of Oil and Gas Conservation:

In general I am opposed to fracking due to the tremendous problems being experienced in other states and countries. The energy industry and government of province of Alberta has been trying to cover up problems with ground water contamination which are now coming to light. Once ground water has been contaminated it is impossible to correct and will last hundreds or thousands of years.

If fracking is to be done in Montana, it must be done only with the most strict controls and disclosures to avoid these problems.

Public notification of all fracking proposed must be done by publishing in local newspapers, notification of adjoining landowners for at least 2 miles and easily available state websites at least one year in advance, containing the following information:

- 1) Location of fracking proposed
- 2) Corporations and developers involved
- 3) Materials and chemicals involved and where they are obtained
- 4) Contact information for these parties involved

Additionally I strongly suggest that these corporations post a bond of one million dollars which may be specifically used to compensate any other water users in the event of fracking chemical contamination, methane contamination of water or other degradation or destruction of water sources belonging to others.

Doug Anderson
5068 MT Highway 83 N
Seeley Lake, MT 59868

Richmond, Tom

From: c j coleman [cjcoleman1@bresnan.net]
Sent: Tuesday, June 07, 2011 7:09 PM
To: DNR FracComments
Subject: Citizen input to rule-making re fracking

Respected Board Members:

Optimal water quality is one on which we all depend --ultimately--for most all our needs.

I wish the state Board of Oil and Gas to consider the following:

Because of potential negative impact on water source by any underground process, the chemical information for any fracturing fluids used might well be expected to be easily accessible by the public in a common area such as the Board of Oil and Gas Conservation website.

On the other hand, if the state Board of Oil and Gas Conservation decides it needs to be in the business of enforcing trade secrets over protecting water resources, then companies should at least have to apply to the BOGC and actively provide a reason for any trade secret exemptions. Even if the chemical is listed as a trade secret, it still must be disclosed to the BOGC.

Rule making at this point may be "after-the-fact" for possible damage already reported by landowners. Continuing the status quo, however, is not acceptable to this citizen.

Thanks for any attention to this view.

Claire Coleman, Billings MT

Richmond, Tom

From: John and Laurie Beers [ljjbeers@aol.com]
Sent: Tuesday, June 07, 2011 7:20 PM
To: DNR FracComments
Subject: hydraulic fracturing chemicals used in Montana

I am writing in support of mandatory disclosure of the composition of hydraulic fracturing chemicals by gas companies.

Gas companies do place gas wells near housing and ranching. It would be possible to test the water before fracking began and after, if well contamination was suspected, if one knew what chemicals to test for.

I am a supporter of businesses in Montana, but not at the expense of our citizens. It should be possible to protect our citizens and still make use of our natural resources. Fracking chemical disclosure is an issue of public health and safety.

Laurie J. Beers
91 Spreading Winge Lane
Nye, MT 59061

Richmond, Tom

From: Margaret Strainer [mrsstrainer@gmail.com]
Sent: Tuesday, June 07, 2011 8:07 PM
To: DNR FracComments
Subject: Please Water Quality first! foremost! all ways!

Montana water quality is not worth messing up! Never....please keep our water clean for all the generations to come and all the people in Montana and downstream who depend on us.

--

Margie Strainer
406-755-0887
212 E. Nicklaus Ave.
Kalispell, MT 59901

Richmond, Tom

From: Anne Banks [anban@bresnan.net]
Sent: Tuesday, June 07, 2011 9:35 PM
To: DNR FracComments
Subject: Comments on Fracking in Montana

To Montana Board of Oil and Gas Conservation:

Information on the chemicals used in hydraulic fracturing must be easily available to the public, including information on so-called trade secret chemicals. It is vital to public health, both of the potential victims and to the health professionals treating them, that they know what they should be treated for if it is possible that illness is caused by these chemicals.

Exemptions for trade secrets should not be allowed.

Also, landowners in proximity to drilling operations should be notified of drilling far enough in advance to test their own wells and water sources to establish a baseline for comparison to water quality during and after drilling.

Thank you for considering these comments.

Anne Banks
7 Hill St.
Bozeman, MT 59715

Richmond, Tom

From: MARY K CLARK [jkissie-clark@msn.com]
Sent: Tuesday, June 07, 2011 10:57 PM
To: DNR FracComments
Subject: Fracking rules

Dear Members of the Board

I strongly encourage you to adopt rules that protect the public and clean water. The chemical information for any fracturing fluids used needs to be easily accessible by the public on the Board of Oil and Gas' website.

- These chemicals need to be disclosed in advance in order for landowners in areas such as Sweet Grass County to begin baseline water testing. All landowners with water wells and springs within a 1 mile radius of the proposed well to be fracked, must receive written notification of the planned chemicals to be used.
- Companies should have to apply to the Board of Oil and Gas and provide a written justification available to the public for any trade secret exemptions. Exemptions should only be granted in extremely rare circumstances. Even if the chemical is listed as a trade secret, it still must be disclosed to the Board of Oil and Gas.

Please protect our Agricultural and rural landscapes for our future.

Thank you

Mary Clark
118 South Benton, Helena, MT 59601

Richmond, Tom

From: muggins@q.com
Sent: Wednesday, June 08, 2011 9:57 AM
To: DNR FracComments
Subject: publics right to info

If the fracking companies say that their chemical cocktail is harmless, then why don't they disclose the time, date, and contents being applied to the wells they frack? Why is preliminary and followup testing not being done to protect the health of the concerned parties?

Regards,
Bill Sweet.
76 Walkers Trail
Darby, MT

Richmond, Tom

From: byron crow [bcrow.mt@gmail.com]
Sent: Wednesday, June 08, 2011 1:24 PM
To: DNR FracComments
Cc: djohnson@meic.org
Subject: Comment of proposed Fracking regulations in Montana

Greetings;

At present oil and gas companies are eager to use unconventional, resource intensive drilling methods to recover natural gas from shale deposits in Montana as they have in other states.

The process, known as high volume hydraulic fracturing, or hydro-fracking, or just “Fracking” uses numerous combinations of chemicals which are added to millions of gallons of water. This toxic mixture of hydro-fracking chemicals, destined to be injected into the ground, is often stored in open lagoons, transported on public roadways, and sometimes presented at water treatment facilities to be “recovered”. Hydro-fracking chemicals have been shown to pose a significant risk to human and environmental health, through contamination of ground water, but primarily through the potential for spills.

The specific chemical cocktails that would be used are “proprietary information” and would only be disclosed to the Montana Department of Environmental Quality (DEQ), and withheld from the public. Montana must provide the public with the right to know what chemicals are used to hydro-frack in their communities, and prohibit those chemicals that pose a risk to human health.

Montana DEQ should:

Require the full disclosure of hydraulic fracturing fluids;

Prohibit the issuance of drilling permits for wells proposing to use hydraulic fracturing fluids until the DEQ has adopted rules and regulations insuring Montana environmental protection from fracking;

And, prohibit any use of hydraulic fracturing fluids containing chemicals that pose a risk to human or animal health, including, but not limited to, fluids that are persistent, bioaccumulative and toxic (as defined by the EPA), or are known mutagen.

Fracking companies have unique formulations of fracturing solutions. In many cases, the chemicals used are not carefully tracked. The following chemicals have been identified in some fracking treatments:

- Benzene
- Diesel fuel*
- Ethylbenzene
- Formaldehyde
- Methanol
- Naphthalene
- Polycyclic aromatic hydrocarbons
- Toulene
- Xylene

*Diesel fuel is the only substance drilling companies need permits for.

Obviously, fracking poses significant environmental problems. Each infusion uses no less than 5 Olympic swimming pools of water. And “according to the U.S. Congress,” wrote Andrew Nikiforuk on April 20, 2011, “the majority of 750 fracking chemicals are hazardous if not tumour-guaranteed cancer makers.” Yet somehow the industry is exempt from U.S. water safety standards.

**2009 report by ProPublica, The ProPublica report “revealed that methane contamination from drilling was widespread, including in Colorado, Ohio and Pennsylvania. In several cases, homes blew up after gas seeped into their basements or water supplies.” ProPublica documented more than 1,000 cases of U.S. water contamination directly attributable to fracking.

**August 27, 2009, Reuters reported “the U.S. Environmental Protection Agency (EPA) found toxic chemical contaminants in drinking water wells near gas-drilling operations in Pavillion, Wyoming, where EnCana has 248 natural gas wells.” And despite the industry’s 2004 promise to stop using diesel fuel as a fracking fluid, notes Nikiforuk, “Congress found the oil and gas service industry pumped 32 million gallons of diesel fuel in 19 states contrary to federal regulations between 2005 and 2009. Just a cup of diesel can make an Olympic-sized swimming pool of water undrinkable.”

Is this really for Montana?

I would encourage the Board of Oil and Gas to adopt rules that protect the public and clean water. Chemical information for any fracturing fluids used needs to be easily accessible by the public on the Board of Oil and Gas’ website.

All fracking chemicals need to be disclosed in advance in order for landowners in areas targeted for fracking operations to begin baseline water testing. All landowners with water wells and springs within a 1 mile radius of the proposed well to be fracked, must receive written notification of the planned chemicals to be used.

Companies should have to apply to the Board of Oil and Gas and provide a written justification available to the public for any trade secret exemptions, even if the chemical is listed as a trade secret, it still must be disclosed to the Board of Oil and Gas.

I thank you for your time and patience

Byron Crow,
Five 13th. Ave. W.
Polson, MT 59860

Richmond, Tom

From: Dan * [marnues@gmail.com]
Sent: Wednesday, June 08, 2011 4:33 PM
To: DNR FracComments
Subject: Fracking chemicals must be known

Fracking has been clearly shown to affect the earth and our water much more than the drillers have said. I don't understand why we trusted them in the first place, but let's not dwell on the mistakes of the past. Let's instead understand what is being done to our state, our Earth, and our water so that we can extract natural gas reasonably and safely. I am uninterested in any subsidy for such behavior including the one where cheap chemicals cause damage to people through drinking water or structural damage to the Earth.

Daniel Dostal
3021 Stinson Ave
Billings, MT 59102

Richmond, Tom

From: Gerry Jennings [ggerger1@bresnan.net]
Sent: Wednesday, June 08, 2011 10:03 PM
To: DNR FracComments
Subject: fracking

I am writing to encourage the Board of Oil and Gas to adopt rules that protect the public and clean water. Remember:

- The chemical information for any fracturing fluids used needs to be easily accessible by the public on the Board of Oil and Gas website.
- These chemicals need to be disclosed in advance in order for landowners in areas such as Sweet Grass County to begin baseline water testing. All landowners with water wells and springs within a 1 mile radius of the proposed well to be fracked, must receive written notification of the planned chemicals to be used.
- Companies should have to apply to the Board of Oil and Gas and provide a written justification available to the public for any trade secret exemptions. Exemptions should only be granted in extremely rare circumstances. Even if the chemical is listed as a trade secret, it still must be disclosed to the Board of Oil and Gas.

Thanks for considering these stipulations.

Sincerely,

Gerry Jennings

317 Fox Drive

Great Falls. MT 59404

Marshall Swearingen
502 S. 6th Avenue
Bozeman, MT 59715

June 8, 02011

Board of Oil and Gas Conservation
2535 St. Johns Avenue
Billings, MT 59102

To the members of the Board:

So there's valuable hydrocarbons sandwiched in the sediments beneath the plains of Montana. But before we rush headlong into a crusade to pump them to the surface, it would be foolish to not learn from what is already happening around the country with this so-called "fracking." Desite the reassurances of the gas industry, there is considerable evidence that fracking in many cases makes adjacent groundwater supplies undrinkable to the surrounding residents. There are some simple steps that gas developers could take to at least disclose the potential impacts and allow for their accurate measurement. Take note: we are not even talking about trying to hold up gas development, but about *being honest about its effects*.

First, the chemical information for fracking fluid needs to be fully disclosed to the public and made available on the gas Board's website. Gas developers do not have a right to withhold "trade secrets" if they directly endanger public health. Coca Cola's "secret" recipe still needs to measure up to the FDA for a simple reason: people drink it. When people start getting sick from drinking their well water, they needs to know what is in it. Making doctors sign to secrecy is absurd.

Second, this chemical information needs to be disclosed *before* (as in at least a couple days before) fracking begins, so that citizens can perform baseline water tests. This is a very basis principle of the scientific method: there is a sample beforehand, and a sample after fracking occurs, so that the effects can be inferred. By rushing in without even a days notice, the gas industry is deliberately subverting the ability of citizens to monitor, *at their own cost*, the effects of fracking. Very simple: at least a day before fracking happens, let the residents within a one mile radius know what will be potentially leaked into their water supply.

Third: hopefully these last two points sound like common sense. If there is a decent reason why gas companies need to withhold the ingredients of their secret stew, let them apply to the gas board for an exemption. I don't see why such exemptions should be issued, but if they are, let it be on a very limited basis.

If fracking is safe, and gas developers have nothing to hide, there is no problem with these very basic requests.

Sincerely,

Marshall Swearingen

Richmond, Tom

From: Kelsey Miller [miller.kelseye@gmail.com]
Sent: Thursday, June 09, 2011 10:03 AM
To: DNR FracComments
Subject: Strengthen Montana hydraulic fracturing fluid disclosure rules

Friends at the Board of Oil and Gas Conservation:

As you prepare for the public hearing regarding Montana's draft hydraulic fracturing fluid disclosure rules, please consider the following amendments to the currently drafted rules:

1. Ensure chemicals used in wildcat, exploratory and any other wells are disclosed and made easily accessible to the public by posting on the BOGC website.
2. Make no exemptions for industry "trade secrets," and require active application and explanation from companies if they wish to secure a "trade secret." In all cases, require disclosure of chemicals to the BOGC.
3. Require companies to submit, to the BOGC, a comprehensive list of chemicals to be used at each specific well site. In writing, notify landowners using water sources within a one-mile radius of the proposed well in advance so that they may carry out baseline testing. Before the frac job commences, provide these landowners with a list of chemicals to be used. When the frac job ceases, require the company to release a list of chemicals and quantities actually used during the job to be submitted to the BOGC and to the landowner.

Thank you for protecting the integrity of Montana's water and land by making stronger chemical disclosure.

Sincerely,

Kelsey Miller
Billings, MT

Richmond, Tom

From: joe newman [wind_ginny@yahoo.com]
Sent: Thursday, June 09, 2011 9:29 PM
To: DNR FracComments
Subject: Fracking chemicals disclosure

Dear Board of Oil and Gas

I would like to ask that you please require of the oil and gas industry that they disclose each and every chemical they plan to use in the process of fracturing and that those facts be made public well in advance of the letting of a permit to do fracture.

Thanks

Joe Newman

Box 46

Cardwell, Montana 59721

RECEIVED

JUN - 9 2011

**MONTANA BOARD OF OIL
& GAS CONS. BILLINGS**

Board of Oil & Gas Conservation

2535 St. Johns Ave.

Billings, Mt. 59102

Dear Sirs,

As a native of Montana, I am very much interested in the well-being of all our citizens of this beautiful state. I have children and grandchildren living here as well as family in central and eastern Montana. We must preserve the air and water so that future generations can be assured the quality of life that I have had. I am aware of the fracturing that is going on, and the chemicals that are used in this process must be known to the public. This information needs to be easily accessible by your board and submitted to the public. For years we have dug mines and then had to pay for the clean-up. We have contaminated the waters and then the public has had many times to make it pure again. Let's change our habits and learn some lessons. The most important thing we can do in our lives is to leave this planet a better place than when we stepped foot on it. Let's leave a legacy of clean air and water for our grandchildren.

Sincerely,



Dianne Grove

586 Hidden Valley Dr.

Whitefish, Mt. 59937\

406-862-3156

Richmond, Tom

From: Michael Willing [webwalla@mac.com]
Sent: Friday, June 10, 2011 11:38 AM
To: DNR FracComments
Subject: Oil and Gas Fracking

Dear Oil & Gas Board,

I am writing you today as a concerned citizen regarding the use of "fracking" to drill for oil and gas in the state of Montana. In a New York Times story from May 13, 2011 "**scientists at Duke University, suggested that gas drilling causes methane gas to leak into people's water and sometimes their homes** ([Greenwire](#), May 9)." **You need to make this information available to all citizens on your website, especially regarding chemicals used.**

These chemicals need to be disclosed in advance in order for landowners in areas such as Sweet Grass County to begin baseline water testing. All landowners with water wells and springs within a 1 mile radius of the proposed well to be fracked, must receive written notification of the planned chemicals to be used.

Companies should have to apply to the Board of Oil and Gas and provide a written justification available to the public for any trade secret exemptions. Exemptions should only be granted in extremely rare circumstances. Even if the chemical is listed as a trade secret, it still must be disclosed to the Board of Oil and Gas.

Even given this level of public disclosure, it is my request that you simply ban fracking in its entirety in the state of Montana.

Best Regards,

Michael Willing
PO Box 1840
Helena, MT 59624
406.594.0716

Richmond, Tom

From: Mary Leonard [maryjleonard@gmail.com]
Sent: Friday, June 10, 2011 1:51 PM
To: DNR FracComments
Subject: Must disclose chemicals used in fracking!

Dear Board of Oil and Gas Conservation,

Oil and Gas companies are insisting there is nothing dangerous about fracking. If that is the case, there is surely no reason for them to not disclose what they are pumping into the ground. If that is NOT the case, the public has the right to know and to regulate what they are doing.

I request that you adopt rules to protect the public by:

- Requiring companies to post the chemical content of fracturing fluids in an EASILY ACCESSIBLE location on your www site
- Requiring companies to disclose IN ADVANCE the chemicals and their plans for using them in fracturing operations in a form and manner that will allow landowners time to respond and prepare
- Using the companies' own resources to pay for independent, local monitoring of water quality (with checks before, during, and after fracturing operations) of sample wells within 1 mile of operations to establish the effects on and safety of drinking water
- Allow non-disclosure to the public of chemicals used in only EXTREMELY RARE circumstances, but require that those chemicals still be revealed to the Board of Oil and Gas *as well as the EPA*.

Montanans' water quality and health cannot be sacrificed for economics.

Sincerely,

Mary J. Leonard

Bozeman, MT 59718

Richmond, Tom

From: Robert Johnston [bison1bob@aol.com]
Sent: Friday, June 10, 2011 2:01 PM
To: DNR FracComments
Subject: Fracking Could be Hazardous to Health

Board of Oil and Gas

It is absolutely essential to know the composition of materials which are used in fracking. The potential for lasting major harm to human and environmental health requires that we know in detail the make-up of fracking injections. The argument that we cannot know because the formulae are industrial secrets is ludicrous. The potential costs to our society greatly outweigh the need for such secrecy. To design protective measures it is essential to have knowledge of the composition of these substances.

Robert Johnston
po box 1126
Cooke City, MT 59020

Richmond, Tom

From: JKWhite [j.kathleenwhite@earthlink.net]
Sent: Friday, June 10, 2011 2:35 PM
To: DNR FracComments
Subject: hydrofracking needs to be banned all across the country

These companies are getting the jump on legislators ALL OVER THE COUNTRY who are too slow to realize that our country's water is being poisoned--wake up people!
It has already happened in Pennsylvania-- the aquifer has been irredeemably polluted by hydrofracking--this issue requires immediate action thats says NO!
New York State has
put a moratorium on the process--don't think this is an overreaction.
Water for all living creatures,
livestock, and humans has been poisoned and will be poisoned by this process.

Richmond, Tom

From: Sandy Compton [mrcomptonjr@hotmail.com]
Sent: Friday, June 10, 2011 3:26 PM
To: DNR FracComments
Subject: Fracking

I believe the practice of fracking, fracturing the mantle of the earth using liquid chemical mixtures under hydraulic pressure in order to extract natural gas, is one of the most dangerous methods of energy extraction ever conceived. It is harmful to groundwater, with potentially deadly results, and should be disallowed as a practice in not only Montana, but all of the United States.

I further believe that the companies that use this method are acting irresponsibly and even reprehensibly. In southwestern Idaho, citizens have been lied to and deceived by Bridge Energy, a British- and Norwegian-owned company using fracking to extract natural gas.

Thank you.

Sandy Compton
Box 110 • Heron, MT 59844

Richmond, Tom

From: tdcail@q.com
Sent: Friday, June 10, 2011 3:31 PM
To: DNR FracComments
Subject: Fracking concerns

My concern is that this process, if companies don't have to say what chemicals are being injected into the ground, could lead to ground water contamination with know way of knowing who caused it, or where it came from. The public should at least know what is being injected so that they can have their water wells tested

Richmond, Tom

From: Bernard Quetchenbach [bquetchenbach@gmail.com]
Sent: Friday, June 10, 2011 3:33 PM
To: DNR FracComments
Subject: Fracking rules

To the Montana Board of Oil and Gas Conservation,

I am writing to support regulations on fracking that would result in strong environmental protection and the right of landowners in areas where fracking is permitted. Landowners within a mile of a fracking site should have the right to know that fracking is occurring and the chemicals involved. Since they are injected into natural systems where people and wildlife live, the fluids being used should be public knowledge. In all cases, the chemicals used should be disclosed to the Board of Oil and Gas Conservation and easily accessed by the public using the Board's website. This information needs to be provided in advance, so that landowners and local communities can establish baseline information. It is not appropriate that these chemicals should be considered trade secrets, as such a policy clearly values the corporate right to competitive advantage over the public's rights in matters potentially affecting health, water quality, and land values. The government should remain the servant of the people, not of monied interests. If trade secret exemptions are to be maintained at all, then a compelling reason for such exemptions should be provided by the company and easily accessed by the public, and such exemptions should be strictly limited to cases in which necessity can be clearly established. The identity of the chemicals should in all cases be revealed to the Board, which should then assume responsibility for potential damages if the exemption is provided and the data unpublished.

Thank you,

Bernard Quetchenbach
933 Yale Avenue
Billings, MT 59102
bquetchenbach@gmail.com

Richmond, Tom

From: david omen [perfectgrace@hotmail.com]
Sent: Friday, June 10, 2011 3:34 PM
To: DNR FracComments
Subject: Fracking

We can live without oil.
However, we can't live without water.

Richmond, Tom

From: Marvin Beatty [mtbeatty@wisc.edu]
Sent: Friday, June 10, 2011 3:44 PM
To: DNR FracComments
Subject: Proposed regulations re. hydraulic fracturing

As a native of Montana I have a continuing interest in how the natural resources of that state are used and managed. Groundwater of high quality is a natural resource of immense value, especially in semi-arid areas such as central and eastern Montana. Therefore I urge you to promulgate and enforce rules regarding hydraulic fracturing that require full and timely public disclosure of all compounds that are proposed to be injected into the earth via this fracturing process, and urge you especially to consider other values offered by natural resources in areas of striking topography such as the Rocly Mountain Front and similar areas within the state.

Marvin Beatty Ph.D.

Richmond, Tom

From: KBIRCK@aol.com
Sent: Friday, June 10, 2011 3:53 PM
To: DNR FracComments
Subject: fracking comment

Dear Board of Oil and Gas Conservation,

Please do not allow unregulated "fracking" along the Rocky Mountain Front. The "trade secret" chemicals used in hydraulic fracturing without regulation - or even disclosure, since they are considered "trade secrets", can cause irreparable harm to the ground water and springs of this very special area that is home to grizzly bears and functioning ranches.

Please adopt rules that will provide full disclosure and openness in the process of extracting oil and gas, wherever this takes place.

Thank you,
Kim Birck
Missoula MT

Richmond, Tom

From: Dick Forehand [basecampimages@earthlink.net]
Sent: Friday, June 10, 2011 3:56 PM
To: DNR FracComments
Subject: Fracking

Please consider these comments regarding your decisions regarding fracking.

- The chemical information for any fracturing fluids used needs to be easily accessible by the public on the Board of Oil and Gas' website.
- These chemicals need to be disclosed in advance in order for landowners in areas such as Sweet Grass County to begin baseline water testing. All landowners with water wells and springs within a 1 mile radius of the proposed well to be fracked, must receive written notification of the planned chemicals to be used.
- Companies should have to apply to the Board of Oil and Gas and provide a written justification available to the public for any trade secret exemptions. Exemptions should only be granted in extremely rare circumstances. Even if the chemical is listed as a trade secret, it still must be disclosed to the Board of Oil and Gas. Thank you.
- Dick Forehand
- Box 1632
- Red Lodge, MT 59068

Richmond, Tom

From: lynde lou [juniperhorse@yahoo.com]
Sent: Friday, June 10, 2011 6:22 PM
To: DNR FracComments
Subject: Public access for chemical information: Fracking

I encourage the Board of Oil and Gas to adopt rules that protect the public and clean water. I remind the Board that:

The chemical information for any fracturing fluids used needs to be easily accessible by the public on the Board of Oil and Gas' website.

These chemicals need to be disclosed in advance in order for landowners in areas such as Sweet Grass County to begin baseline water testing. All landowners with water wells and springs within a 1 mile radius of the proposed well to be fracked, must receive written notification of the planned chemicals to be used.

Companies should have to apply to the Board of Oil and Gas and provide a written justification available to the public for any trade secret exemptions. Exemptions should only be granted in extremely rare circumstances. Even if the chemical is listed as a trade secret, it still must be disclosed to the Board of Oil and Gas.

Sincerely,

Lynde Howe
Missoula, MT

Richmond, Tom

From: Jim Heckel [jheckel8@msn.com]
Sent: Friday, June 10, 2011 8:22 PM
To: DNR FracComments
Subject: Fracking rules and information

I'm very concerned about chemical contamination of ground water from fracking. Any rules, regulations, limits and other vital information should be feasibly available to the public.

Jim Heckel

Richmond, Tom

From: Matthews, Jonathan [jmatthew@carroll.edu]
Sent: Friday, June 10, 2011 8:50 PM
To: DNR FracComments
Subject: Fracking comment

Please get rid of the exemption for "trade secrets." Our ground water is too precious and forever ruined if polluted to allow anyone to pump chemicals undergrounds and hide their contents. The chemical information for any fracturing fluids used needs to be easily accessible by the public on the Board of Oil and Gas' website.

These chemicals need to be disclosed in advance in order for landowners in areas such as Sweet Grass County to begin baseline water testing. All landowners with water wells and springs within a 1 mile radius of the proposed well to be fracked, must receive written notification of the planned chemicals to be used.

Please stand up for the good of our state, the cleanliness of our precious water, and the good of the ordinary people of Montana (rather than the short term profit interests of drillers),

Jonathan Matthews, PhD
1601 N. Benton Ave,
Helena, MT 59625

Richmond, Tom

From: A.S. [ans_1026@yahoo.com]
Sent: Saturday, June 11, 2011 8:13 AM
To: DNR FracComments
Subject: Adopt New Rules Regarding Fraking

Dear Board of Oil and Gas,

The following rules need to be adopted to prevent the poisoning of ground water across MT:

- The chemical information for any fracturing fluids used needs to be easily accessible by the public on the Board of Oil and Gas' website.
- These chemicals need to be disclosed in advance in order for landowners in areas such as Sweet Grass County to begin baseline water testing. All landowners with water wells and springs within a 1 mile radius of the proposed well to be fracked, must receive written notification of the planned chemicals to be used.
- Companies should have to apply to the Board of Oil and Gas and provide a written justification available to the public for any trade secret exemptions. Exemptions should only be granted in extremely rare circumstances. Even if the chemical is listed as a trade secret, it still must be disclosed to the Board of Oil and Gas.

Sincerely,
Anthony Sciolino
Bozeman MT

Richmond, Tom

From: Susan Epstein [shrop@mt.net]
Sent: Saturday, June 11, 2011 8:46 AM
To: DNR FracComments
Subject: hydraulic fracturing fluids

To the members of the Montana Board of Oil and Gas:

I urge you to protect Montana water quality by adopting rules for hydraulic fracturing which require disclosure of the content of fracturing fluids. This information should be easily accessible by the public on the Board of Oil and Gas's website.

The chemical content of fracking fluids need to be disclosed in advance in order for potentially affected landowners to obtain baseline water testing. All landowners with water wells and springs within a one mile radius of the proposed well to be fracked must received written notice of he planned chemicals to be used.

Please uphold our constitutional right to a clean and healthful environment by providing adequate oversight of fracking.

Yours truly,

Susan Epstein
770 Franklin Mine Road
Helena, MT 59602

Richmond, Tom

From: Kassia Randzio [k.randzio@gmail.com]
Sent: Saturday, June 11, 2011 9:21 AM
To: DNR FracComments
Subject: Fracking

Hi,

I am very concerned about the future of fracking in Montana. Our state relies heavily on healthy water - drinking water for communities, clean water for livestock grazing, and healthy rivers for fish, anglers, and boaters. As of yet, it is still unclear what fracking is and how it will affect water supplies. Before the state moves forward with any fracking, please ensure that the chemical information will be easily accessible by the public and that all chemicals will be disclosed in advance of any fracking. Please ensure that there are opportunities for baseline water testing before any fracking begins. Companies applying for the privilege of using Montana's resources need to respect our water quality, and the state should only grant exceptions for any trade secret exemptions in extremely rare circumstances. Montana cannot afford to sacrifice our water supply for the sake of the private interests of oil and gas companies.

Thank you,
Kassia Randzio
633 1/2 S. 3rd St. W.
Missoula, MT 59801

Richmond, Tom

From: Jessy Brown [brown_jes@yahoo.com]
Sent: Saturday, June 11, 2011 10:44 AM
To: DNR FracComments
Subject: concerns over fracking

To whom it may concern:

Montana is a fantastic state. Let's not let companies come in and ruin our water among other things. Remember Butte? Please keep these points in mind:

The chemical information for any fracturing fluids used needs to be easily accessible by the public on the Board of Oil and Gas' website.

These chemicals need to be disclosed in advance in order for landowners in areas such as Sweet Grass County to begin baseline water testing. All landowners with water wells and springs within a 5 mile radius of the proposed well to be fracked, must receive written notification of the planned chemicals to be used.

Companies should have to apply to the Board of Oil and Gas and provide a written justification available to the public for any trade secret exemptions. Exemptions should only be granted in extremely rare circumstances. Even if the chemical is listed as a trade secret, it still must be disclosed to the Board of Oil and Gas.

Jessica Brown
160 Piper Way
Three Forks, MT 59752
406-556-9014

Richmond, Tom

From: Barbara & Tom [archtul@bresnan.net]
Sent: Saturday, June 11, 2011 12:36 PM
To: DNR FracComments
Subject: RE Need for Fracking Transparency

To the Montana Board of Oil and Gas Conservation:

Protection of trade secrets should not supersede landowners and the public's right to know. Allowing drillers to list natural gas fracturing (known as fracking) fluid ingredients as "proprietary" or as "non hazardous ingredients" is irresponsible at best and potentially criminal in a worse case scenario. It is critical that the State of Montana, as well as the Federal government step up to the plate and require written notice of fracking chemicals to landowners, as well as public disclosure and chemical information to emergency workers. Wyoming has recently, through a rule-making process, begun disclosure of fracking fluids with great success and few complaints from the industry. This is a common sense protection for the health of our citizens. And if the fracking fluids are safe, as industry claims, disclosure will show that. And if they are suspected of causing a health problem or of contaminating a well, aquifer, or surface water, it is critical that landowners and all other affected citizens as well as local government officials and other government officials are wholly aware of the chemicals in question so as to be able to formulate the correct remedial response.

In fracking, 435 chemical products are known to be used. Out of that, only 5% of the specific chemicals have been publicly disclosed. Fracking fluids have been known to travel 3,000 feet away from a drilling well. While there is an effort to bring fracking fluids back to the surface and properly dispose of them, between 20-70% of the fluids remain underground. It's possible that landowners and others in a natural gas development area will have to deal with the repercussions of injecting tons of hazardous chemicals into the ground long after the gas wells have run dry. They at least need to know what it is that they may be facing in the future.

Cc: Senator Baucus, Senator Testor, Rep Rehberg

Sincerely,
Tom Tully and Barbara Archer
2210 Pryor Ln
Billings, MT 59102
archtul@bresnan.net

Richmond, Tom

From: David Chambers [dchambers@csp2.org]
Sent: Saturday, June 11, 2011 12:46 PM
To: DNR FracComments
Subject: Hydraulic Fracturing Regulations

Board of Oil and Gas Conservation
2535 St. Johns Avenue
Billings, MT 59102

Toxic chemicals used in hydraulic fracturing should be disclosed to the public. It is the composition of the mixture of constituents in the fracking fluids that is proprietary, not the individual constituents. If a constituent of the fracking fluid is potentially toxic, the presence of this toxic constituent should be disclosed to people who could be impacted.

Dave Chambers
224 North Church Avenue
Bozeman, MT 59715
Ph: 406-582-8675
E-mail: dchambers22@hotmail.com

Richmond, Tom

From: Laura Strong [strongmcc@gmail.com]
Sent: Sunday, June 12, 2011 9:54 AM
To: DNR FracComments
Subject: fracturing fluids used in mining

Dear Board of Oil and Gas Conservation Members,

Please insure that companies that will be engaging in hydraulic fracturing for oil and gas in Montana are made to disclose the contents of the liquids used in their process to the Montana public. We as citizens have the right to know BEFORE a well is fracked what will be pumped into the ground. If their are potentially toxic chemicals in the mix landowners need this information before they make a decision to allow fracking on their property. You should publish these ingerients on your website where it would be easily accessible to the citizens of Montana. If companies request an exemption to disclosure of their process ingredients you should only grant exemptions under rare circumstances. Even when ingredients are listed as trade secrets they need to be disclosed to you- the Board of Oil and Gas.

Thank you for receiving my comments,

Laura Strong
PO Box 1986
Whitefish, MT 59937

Richmond, Tom

From: carol edwards [polebridgemod@yahoo.com]
Sent: Sunday, June 12, 2011 10:09 AM
To: DNR FracComments

Please add the comments below to the official comments accepted regarding the ability of Montana citizenry to access the verifiable truth as to the nature of the elements used in the fracking process proposed and implemented by mining and engineering companies operating within the state or affecting the natural resources of the state by proximate activities.

Montana Citizens Rights to Healthy Clean Water and to control what is introduced to the environment of the state of Montana is incontrovertable and must be protected.

The chemical information for any fracturing fluids used needs to be easily accessible by the public on the Board of Oil and Gas' website. These chemicals need to be disclosed in advance in order for landowners in areas such as Sweet Grass County to begin baseline water testing. All landowners with water wells and springs within a 1 mile radius of the proposed well to be fracked, must receive written notification of the planned chemicals to be used . Companies should have to apply to the Board of Oil and Gas and provide a written justification available to the public for any trade secret exemptions. Exemptions should only be granted in extremely rare circumstances. Even if the chemical is listed as a trade secret, it still must be disclosed to the Board of Oil and Gas who must then accept responsibility for the decision to allow the use of this chemical and any of its effects on individuals affected by that chemical's use.

Sincerely,

Carol Edwards
145 RAinbow Dr.
Polebridge MT

Richmond, Tom

From: Gail Richardson [envirogail@q.com]
Sent: Sunday, June 12, 2011 3:54 PM
To: DNR FracComments
Subject: Public comment on draft rules for fracking in MT

As concerned citizens, 30 year MT residents and conservationists we feel that all Montanans have a stake in the rules that the Board of Oil and Gas formulates concerning the very environmentally destructive practice of "fracking" for natural gas. We have read and seen information on this method and feel that Montana must only allow it if done in a responsible way. All MT citizens have the right to "a clean and healthful environment." Clean water and air are important to all Montanans.

The Board of Oil and Gas must protect citizens from harm as its first priority. The public must have easy and complete access to information concerning toxic chemicals to be used in any project to protect landowners' water quality/quantity and health. This information must be disclosed on the Board website.

Landowners with wells and springs within a mile of the project must be given written notification in advance of chemicals to be used so they can arrange for well/spring testing during the drilling process. Again, their health is paramount.

Companies should not be able to claim trade secret exemptions in an attempt to evade public scrutiny when it comes to disclosing the chemical make-up of fracking fluids. The Board of Oil and Gas must have access to this information in case of water well/spring contamination or public health problems in areas where fracking is allowed to occur.

Having seen some dangerous problems in other states, we want to be sure that if fracking is allowed here it will be done with public and environmental health in mind.

Gail and John Richardson
5263 Cimmeron Drive
Bozeman, MT 59715

Richmond, Tom

From: Alex Russell [russella17@gmail.com]
Sent: Sunday, June 12, 2011 6:33 PM
To: DNR FracComments
Subject: Fraking

Dear sir/madame,

I believe that all fluids used in fracking need to be disclosed

- The chemical information for any fracturing fluids used needs to be easily accessible by the public on the Board of Oil and Gas' website.
- These chemicals need to be disclosed in advance in order for landowners in areas such as Sweet Grass County to begin baseline water testing. All landowners with water wells and springs within a 1 mile radius of the proposed well to be fracked, must receive written notification of the planned chemicals to be used.
- Companies should have to apply to the Board of Oil and Gas and provide a written justification available to the public for any trade secret exemptions. Exemptions should only be granted in extremely rare circumstances. Even if the chemical is listed as a trade secret, it still must be disclosed to the Board of Oil and Gas.

Sincerely,

Alex Russell
413 N Brady St.
Bozeman, MT 59715

Richmond, Tom

From: Kip Beckwith [kip.beckwith@gmail.com]
Sent: Sunday, June 12, 2011 6:40 PM
To: DNR FracComments
Subject: Fracking Comment: Need to Disclose Chemicals; Keep Our Water Clean

Dear Montana Board of Oil and Gas,

I'm contacting you because I'm concerned about fracking in my state. The reason I love Montana is because, unlike some other states, we still have open space, free mountains, and clean water. I urge you to seriously consider the impacts fracking can have on the water quality of our state.

In case you haven't seen the documentary "Gasland," please take a look. It exposes some pretty scary information about fracking. Here's the link to the [trailer](#). The film is well done and pretty entertaining.

At the very least, I believe that the Montana Board of Oil and Gas should make sure Montana residents know what chemicals are being injected in the fracking process. Even if the chemical is listed as a trade secret, it still must be disclosed. A list of all the chemicals used need to be easily accessible on your website and they need to be delivered to all those in the nearby (within a 3 mile radius) vicinity. In order to monitor baseline water quality, these documents need to be available well before the fracking is planned.

Thank you for doing your part in keeping Montana's water clean and its people healthy!

I await your response to my comment.

Sincerely,

Kip Beckwith

Richmond, Tom

From: sporthe@mea-mft.org
Sent: Monday, June 13, 2011 10:14 AM
To: DNR FracComments
Subject: fracking comments

Hello – please enter my comments into the record. I am using my work e-mail (on my own time) to send this, as I don't have home e-mail.

As a fourth generation Montanan, I am very concerned about possible fracking anywhere in Montana, but especially on the Rocky Mountain Front. I was just up there this past weekend and was reminded of how rare that area is. There is so little unspoiled landscape of that scale left anywhere in the world. I am against any oil and gas exploration and development on the Front – especially fracking.

How can the Montana Board of Oil and Gas possibly consider exempting chemicals used by the oil and gas industry from public notice???? I am aware that this same tactic has led to water contamination in Wyoming. I request that all chemicals to be used be listed on your web site where anyone can access them.

Plus, chemicals used should be disclosed in advance in order for landowners to begin baseline water testing. All landowners with water wells and springs within a 1 mile radius of the proposed well to be fracked, must receive written notification of the planned chemicals to be used.

Companies should have to apply to the Board of Oil and Gas and provide a written justification available to the public for any trade secret exemptions. Exemptions should only be granted in extremely rare circumstances. Even if the chemical is listed as a trade secret, it still must be disclosed to the Board of Oil and Gas.

Better still—NO FRACKING. This is our health that's at stake!

Thank you for your consideration.

Sanna Porte
127 Jefferson
Helena, MT 59601

Only the individual sender is responsible for the content of the message, and the message does not necessarily reflect the position or policy of the National Education Association or its affiliates.

Richmond, Tom

From: Jake Troyer [fletchshaw@bresnan.net]
Sent: Monday, June 13, 2011 11:58 AM
To: DNR FracComments
Subject: Supportive Comments

I support the changes being proposed by the Oil and Gas Board requiring disclosure of chemicals used in the "fracking" process.

Although I understand the value of the oil and gas industry to our economy, I don't believe that value is greater than the health of Montanans.

The chemicals used in the "fracking" process can have dangerous and long term effects on the communities where this practice takes place. Knowing the chemical make-up can help to ensure water supplies can stay clean for consumption.

Below are the changes I am supportive of:

- The chemical information for any fracturing fluids used needs to be easily accessible by the public on the Board of Oil and Gas' website.
- These chemicals need to be disclosed in advance in order for landowners in areas such as Sweet Grass County to begin baseline water testing. All landowners with water wells and springs within a 1 mile radius of the proposed well to be fracked, must receive written notification of the planned chemicals to be used.
- Companies should have to apply to the Board of Oil and Gas and provide a written justification available to the public for any trade secret exemptions. Exemptions should only be granted in extremely rare circumstances. Even if the chemical is listed as a trade secret, it still must be disclosed to the Board of Oil and Gas.

Thank you for your time.

Jake Troyer
510 N. Raleigh
Helena, MT 59601

Richmond, Tom

From: John Kemp Jr. [kemp@nemont.net]
Sent: Monday, June 13, 2011 12:57 PM
To: DNR FracComments
Subject: Oil Fracking

Dear Gentlemen,

Concern over groundwater is justified but with the target zones being 8000' below surface I feel it is unwarranted for additional regulations on drilling Oil wells. There has been no communication of oil migrating from one productive zone to another for any significant distance much less 8000'. We have had water flood in the same zones to increase production and the same water does not migrate out of zone.

Let industry do what is best and that is safely and efficiently drill for Oil.

Thanks John

Right now in Montana we could use automatic permitting of wells subject to current rules, a web site showing recorded leasehold & assignment interests(this is internet infrastructure), and a reduction in the severance tax for the first 50,000 barrels of a new well.

6/13/2011

John H. Kemp Jr.
626 W. Laurel Ave.
Plentywood, MT 59254

W: 406-765-1127

M: 406-765-7022

kemp@nemont.net

Richmond, Tom

From: jean zankner [zankners@nemont.net]
Sent: Monday, June 13, 2011 2:39 PM
To: DNR FracComments
Cc: svein@northernplains.org
Subject: comments for hearing

To The Board of Oil & Gas Conservation;

I am concerned about the practice of "hydraulic fracking" used in oil and gas development. Montana has a bleak history of natural resource developers leaving the people of the state with an expensive, unhealthy mess to clean up. We can't go back in time but as I used to tell my young daughters, we can learn from our mistakes. With that in mind our laws governing fracking must provide transparency so the public knows what we are dealing with. Companies claiming they want to guard trade secrets should, at least, be required to list all their chemicals and other compounds with your Board.

Another concern I have is the lack of notice given to landowners when wells are to be "fracked". This should be a requirement of the developing companies before they are permitted to begin operations.

Thank you for considering my comments. Jean Zankner, Ballantine, MT

Richmond, Tom

From: m hutchins [artdogz@msn.com]
Sent: Monday, June 13, 2011 3:31 PM
To: DNR FracComments
Subject: Comment on proposed fracking rules

To The Board of Oil and Gas:

I am requesting that you adopt rules which provide readily available public access to the toxic chemicals used in fracking. Montana's water quality depends on it.

In Wyoming, where similar disclosure rules were enacted in 2010, water contamination is being investigated in the towns of Pavillion and Clark. The EPA has discovered chemicals used in the fracking process in Pavillion, and in Clark the EPA has found trace amounts of benzene in water wells.

As I understand it, the draft rules currently exempt chemicals deemed to be trade secrets from public notice by the oil and gas industry. Under the draft rules, nothing will be published on the BOGC website.

I am writing to encourage you to adopt rules that protect the public and clean water.

- The chemical information for any fracturing fluids used needs to be easily accessible by the public on the Board of Oil and Gas' website.
- These chemicals need to be disclosed in advance in order for landowners in areas such as Sweet Grass County to begin baseline water testing. All landowners with water wells and springs within a 1 mile radius of the proposed well to be fracked, must receive written notification of the planned chemicals to be used.
- Companies should have to apply to the Board of Oil and Gas and provide a written justification available to the public for any trade secret exemptions. Exemptions should only be granted in extremely rare circumstances. Even if the chemical is listed as a trade secret, it still must be disclosed to the Board of Oil and Gas.

Thank you,
M Hutchins

Richmond, Tom

From: Ream, Tarn [tarn.ream@umconnect.umt.edu]
Sent: Monday, June 13, 2011 3:32 PM
To: DNR FracComments
Subject: Hydraulic fracturing rules

To: Board of Oil and Gas
From: Tarn Ream
Re: Adopting hydraulic fracturing rules that protect the public and clean water

I am a cancer survivor. I worked in chemistry and biochemistry labs and will always wonder if some exposure during that time caused my leukemia. I was trained and extremely careful when working with "potential" carcinogens, mutagens, etc. **We all should be allowed access to some version of Material Safety Data Sheets on ANY potential exposure!** Please make chemical information for any fracturing fluids used easily accessible by the public on the Board of Oil and Gas' website. These chemicals need to be disclosed in advance in order for landowners in areas such as Sweet Grass County to begin baseline water testing. All landowners with water wells and springs within a 1 mile radius of the proposed well to be fracked, must receive written notification of the planned chemicals to be used. Companies should have to apply to the Board of Oil and Gas and provide a written justification available to the public for any trade secret exemptions. Exemptions should only be granted in extremely rare circumstances. Even if the chemical is listed as a trade secret, it still must be disclosed to the Board of Oil and Gas.
Thankyou for your attention to this matter.

Sincerely,

Tarn Ream

Richmond, Tom

From: Peter Lesica [lesica.peter@gmail.com]
Sent: Monday, June 13, 2011 3:34 PM
To: DNR FracComments
Subject: fracking fluids

Dear Montana Board of Oil and Geass Conservation,

Aquifers are public domain. Citizens have a right to know what is being put into our aquifers. Please do not allow industry to hide this information from the public by claiming these chemicals are "trade secrets." Thank you for considering my comments.

Regards,

Peter Lesica
929 Locust
Missoula, MT 59802

Richmond, Tom

From: Zack Porter [zack.porter@gmail.com]
Sent: Monday, June 13, 2011 3:42 PM
To: DNR FracComments
Subject: Public Comment for Rules on Fracking

Dear Montana Board of Oil and Gas Conservation,

Thank you in advance for your consideration of this comment, and for providing this public engagement process.

I recognize the need to develop our energy resources, but I have serious concerns about the fracking process.

The health of Montana's residents and communities depends on the public's ability to obtain information related to the chemical contents in fracking fluid. Studies show that fracking fluid can result in contaminated drinking water and the ruination of fresh water wells.

Wyoming adopted a policy of disclosing fracking fluid contents in 2010, and Montana should follow suit. This is a matter of private property rights as much as health.

I encourage the following:

1. Chemicals that will be used in any fracking process must be disclosed in advance to landowners within a one mile radius of the area to be fracked, and must receive written notification of the chemicals that will be used.
2. Companies must be held to an exceptionally high standard to be granted permission to hold trade secret exemptions, which should only be granted in extremely rare circumstances. And no matter what, even if the public cannot see the chemical contents, the Board of Oil and Gas must be made aware of what is being injected into the ground.
3. Information related to the chemical composition of fracking fluids must be posted to the Board of Oil and Gas's website for easy viewing by the public.

Thanks again for your time and thoughtful consideration.

Zack

Zack Porter
633 1/2 S. 3rd W.
Missoula, MT 59801

Richmond, Tom

From: mtxdoc [mtxdoc@earthlink.net]
Sent: Monday, June 13, 2011 4:48 PM
To: DNR FracComments
Subject: Fracking

Board of Oil and Gas Conservation:

Fracking is a huge unknown in the production of fossil fuels, and Montanans deserve to know exactly what is involved in the fracking process, including what chemicals are used. That information should be readily available to the public **before** fracking is allowed. Water testing should be done before, during and after any fracking. Thank you.

David Lehnerr
Billings, MT

Richmond, Tom

From: Richard & Joanne Fisher [rjfishermt@bresnan.net]
Sent: Monday, June 13, 2011 7:22 PM
To: DNR FracComments
Subject: Fracking on the Front

I am not in favor of any drilling on the Front. Particularly, the process of fracking. I own property there and the nearest well does not always have water. The point is that water on the Front is very precious. The last thing we need are chemicals in the water table. This is one of the last large protected areas in the United States. Let's not ruin it with drilling.
Joanne Fisher, Great Falls, MT

Richmond, Tom

From: Starshine [dr.starshine@gmail.com]
Sent: Monday, June 13, 2011 8:05 PM
To: DNR FracComments
Subject: Fracking chemicals

You are my only hope for protection so please use your powers. Since fracking chemicals drift into drinking water, it is IMPERATIVE that you have rules that either PREVENT certain chemicals or that disclose ALL of the chemicals that would be used so that measures can be taken to prevent any danger.

Starshine in Great Falls, MT

--

There is nothing as certain and unchanging as uncertainty and change.

John F. Kennedy

Richmond, Tom

From: Brian Shovers [sholace@bresnan.net]
Sent: Monday, June 13, 2011 9:30 PM
To: fracomments@mt.gov
Subject: Fracking Rules

Dear Board of Oil & Gas Conservation:

I am encouraging you to adopt the rules as they apply to public access to any chemicals injected into the earth during fracking. The public has a right to know, particularly when some of those chemicals could have a harmful effect on groundwater.

Sincerely,

Brian Shovers
210 S. California
Helena, MT. 59601
406-443-6640

282 E. Boulder Rd.
McLeod, MT 5905
6/8/11

Montana Board of Oil & Gas
2535 St. Johns Ave.
Billings, MT 59102

RECEIVED

JUN 13 2011

**MONTANA BOARD OF OIL
& GAS CONS. BILLINGS**

Dear Sirs:

The documentary "Gasland" doesn't shock me at all. It's an old story, the tobacco industry (and many like it) all over again. Industry leaders/executives lying, Congress dragging its feet or just slow to catch up, and all ultimate decisions completely partisan.

The public is asking for a very small thing--transparency. We can't get it from Wall Street; we can't get it from the banks, and we can't get it from the gas and oil industry. You can be sure of one thing; however, it's coming. The chemical composition of fracking fluids will be disclosed. Some states are already mandating it, and some are beginning to consider it. The question for Montana, it seems to me, is not whether the information is proprietary and not whether people's health and the environment are in jeopardy. It's simply whether Montana is going to be ahead of the curve or behind, whether it's going to be out in front of potential problems or playing catch-up.

This industry will be regulated sooner than later. How much harm will be done in Montana in the meantime?

Thank you.


George E. Alotrico

Richmond, Tom

From: Charlene Woodcock [charlene@woodynet.net]
Sent: Tuesday, June 14, 2011 12:05 AM
To: DNR FracComments
Subject: Comments on Hydraulic Fracturing

To: The Montana Board of Oil and Gas Conservation

From: Charlene M. Woodcock, 37 W Main St #D, Bozeman, MT 59715

I write to urge that the Board consider the long-term interests of Montana residents, wildlife, and our hugely valuable clean air, soil, and water. The health of all is threatened very seriously by the process of injecting unidentified chemicals into oil and gas-bearing shale. There is by now all too much evidence of the great damage done by this process to aquifers that supply large areas of people and animals—residents and landowners in Pennsylvania.

The best longterm outcome for Montana landowners and future generations will be the prohibition of fracking if its toxic results are clearly proven. In the meantime, it is incumbent upon the Board to take the evidence of poisoning of water sources into consideration and to require identification of the components of the fracking chemicals to be publicly disclosed on the Board of Oil and Gas Conservation website and/or another readily accessible public venue. These chemicals need to be disclosed in advance of any fracking activity so that landowners can test their water in advance.

It is not the obligation of the Board to defer to "trade secrets" rather than to represent the best interests of Montana landowners and Montana water quality.

Sincerely,

Charlene M. Woodcock

Richmond, Tom

From: kundun [dkwindexpress@gmail.com]
Sent: Tuesday, June 14, 2011 12:25 PM
To: DNR FracComments
Subject: Full disclosure of chemicals

We need full disclosure of all chemicals used in extraction industries.

Max suda,
Arlee, Mt

Richmond, Tom

From: Kevin Pilger [Kevin.Pilger@taqa.ca]
Sent: Tuesday, June 14, 2011 1:17 PM
To: DNR FracComments
Subject: FW: New Rules I through V regarding oil and gas well stimulation
Attachments: New Rule.pdf

Please accept the attached letter with our comments related to the Adoption of the New Rules I through V regarding oil and gas well stimulation.

Regards,



Kevin Pilger
Senior Compliance Coordinator
M: (403) 724-5272
C: (403) 510-7039
E: Kevin.Pilger@taqa.ca

TAQA NORTH Ltd.
2100, 308 - 4 Ave SW
Calgary, AB Canada T2P 0H7
T: (403) 724 5000 F: (403) 724 5110
W: www.taqaqlobal.com

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TAQA NORTH Ltd.

www.taqaglobal.com

June 14, 2011

Via E-mail: FracComments@mt.gov

Tom Richmond,
Board of Oil and Gas Conservation,
2535 St. Johns Avenue,
Billings, MT

Re: Adoption of New Rules I through V regarding oil and gas stimulation

TAQA North has had an opportunity to review the proposed New Rule 1 through V and have the following comments:

NEW RULE IV SAFETY AND WELL CONTROL REQUIREMENTS – HYDRAULIC FRACTURING

- (1) New and existing wells which will be stimulated by hydraulic fracturing must demonstrate mechanical integrity.
- (2) Prior to initiation of fracture stimulation, production casing or intermediate casing must be tested to the maximum anticipated treating pressure in the unsupported (uncemented) portion of the casing exposed to treating pressure. If the casing fails the pressure test it must be repaired or the operator must use a temporary casing string (fracturing string).

There should be a minimum casing design standard for fracturing. This has to be designed to meet or exceed 80% of anticipated fracturing pressures.

The casing design should incorporate the maximum pressures anticipated in the fracturing design. Where 80% of the maximum casing design pressures meet or exceed the maximum anticipated fracturing pressures.



PO Box 2350, Stn M Calgary, AB Canada T2P 2M6 Tel.: 403.724.5000 Fax: 403.724.5001

2100, 308 4th Ave SW Calgary, AB Canada T2P 0H7 www.taqaglobal.com



TAQA NORTH Ltd.

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(a) A fracturing string must be stung into a liner or run on a packer set not less than 100 feet below the cement top of the production or intermediate casing and must be tested to not less than maximum anticipated treating pressure minus the annulus pressure applied between the fracturing string and the production or immediate casing.

We need to ensure that this statement includes the use of MONO bore casing design (Surface casing and then one string to TD and cemented back into the surface casing or Surface) This would provide an economic benefit if this type of design is possible.

This also allows for Casing Fracing in the future vs having to run frac strings for every wellbore.

There should be a minimum casing design standard for fracturing.

(3) A casing pressure test will be considered successful if the pressure applied has been held for 15 minutes with no more than five percent pressure loss.

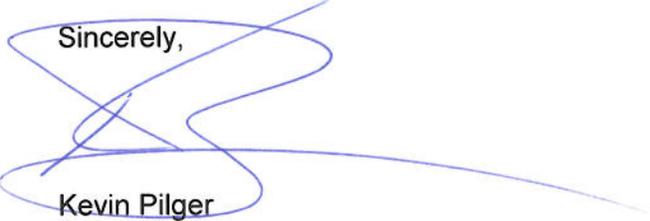
(4) A pressure relief valve(s) must be installed on the treating lines between pumps and wellhead to limit the line pressure to the test pressure determined above.

Accepted industry standards require pressure shut downs (on all pumping units) vs pressure relief valves, this mitigates environmental and safety issues with pressure relief valves releasing frac fluids to the atmosphere.

Placing relief valves on the passive side of the casing is standard procedure.

If you have any questions or require clarification please contact me at 403 724-5272.

Sincerely,



Kevin Pilger
Senior Compliance Coordinator

PO Box 2350, Stn M Calgary, AB Canada T2P 2M6 Tel.: 403.724.5000 Fax: 403.724.5001



2100, 308 4th Ave SW Calgary, AB Canada T2P 0H7 www.taqaglobal.com

Richmond, Tom

From: Donna Caruso-Hirst [badger@3riversdbs.net]
Sent: Tuesday, June 14, 2011 2:38 PM
To: DNR FracComments
Subject: fracking

To the Board,

I am emailing requesting that the chemical information for fracturing fluids be made available to the public. I understand the oil and gas industries concerns about exposing trade secrets and giving their competitors an edge, but these are serious dangerous chemicals and the public has a right to know especially in the areas of our state where fracking is taking place. I live on the Blackfeet Reservation and am very concerned about the lack of transparency and oversight that is taking place here with regard to the drilling. I have never been opposed to the Tribe developing their oil and gas reserves but when I heard about fracking it prompted me to do some research and I must admit I wasn't very pleased with what I found. Neither you nor I have any control over the Tribe but I can speak out for the rest on Montana.

I recognize that President Bush exempted fracking from the oversight of the Clean Water Act because it was to take place far below the aquifers. Unfortunately, contaminated water is being investigated and the picture doesn't seem to be so rosy. My husband worked as a driller in the oil fields for years and when circulation was lost they would pour whatever down the hole. That practice was bad, this is much, much worse. I believe the potential for fracking fluids to contaminate our water makes this process a public concern and all aspects of it should be very transparent. I plan on testing my well and Badger Creek to get a base line and I believe that the public as a whole should have the information about the chemicals so that they can make informed decisions about their own property.

Please be prudent with our water. Choose clean water and public safety over oil and gas company profits when you are making rules overseeing fracking liquids.

Thank-you,

Donna Caruso-Hirst
518 Badger creek
Valier, Mt. 59486

Richmond, Tom

From: Kevin Pilger [Kevin.Pilger@taqa.ca]
Sent: Tuesday, June 14, 2011 3:54 PM
To: DNR FracComments
Subject: RE: New Rules I through V regarding oil and gas well stimulation
Attachments: New Rule.pdf

Please disregard the first sentence in blue and replace with “the casing design should be such that a pressure test to 80% of the maximum pressure rating of the casing, will meet or exceed the maximum anticipated fracture pressure.”

Thanks,



Kevin Pilger
Senior Compliance Coordinator
M: (403) 724-5272
C: (403) 510-7039
E: Kevin.Pilger@taqa.ca

TAQA NORTH Ltd.
2100, 308 - 4 Ave SW
Calgary, AB Canada T2P 0H7
T: (403) 724 5000 F: (403) 724 5110
W: www.taqaqglobal.com

From: Kevin Pilger
Sent: June 14, 2011 1:17 PM
To: 'FracComments@mt.gov'
Subject: FW: New Rules I through V regarding oil and gas well stimulation

Please accept the attached letter with our comments related to the Adoption of the New Rules I through V regarding oil and gas well stimulation.

Regards,



Kevin Pilger
Senior Compliance Coordinator
M: (403) 724-5272
C: (403) 510-7039
E: Kevin.Pilger@taqa.ca

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June 14, 2011

Via E-mail: FracComments@mt.gov

Tom Richmond,
Board of Oil and Gas Conservation,
2535 St. Johns Avenue,
Billings, MT

Re: Adoption of New Rules I through V regarding oil and gas stimulation

TAQA North has had an opportunity to review the proposed New Rule 1 through V and have the following comments:

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There should be a minimum casing design standard for fracturing. This has to be designed to meet or exceed 80% of anticipated fracturing pressures.

The casing design should incorporate the maximum pressures anticipated in the fracturing design. Where 80% of the maximum casing design pressures meet or exceed the maximum anticipated fracturing pressures.



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(a) A fracturing string must be stung into a liner or run on a packer set not less than 100 feet below the cement top of the production or intermediate casing and must be tested to not less than maximum anticipated treating pressure minus the annulus pressure applied between the fracturing string and the production or immediate casing.

We need to ensure that this statement includes the use of MONO bore casing design (Surface casing and then one string to TD and cemented back into the surface casing or Surface) This would provide an economic benefit if this type of design is possible.

This also allows for Casing Fracing in the future vs having to run frac strings for every wellbore.

There should be a minimum casing design standard for fracturing.

(3) A casing pressure test will be considered successful if the pressure applied has been held for 15 minutes with no more than five percent pressure loss.

(4) A pressure relief valve(s) must be installed on the treating lines between pumps and wellhead to limit the line pressure to the test pressure determined above.

Accepted industry standards require pressure shut downs (on all pumping units) vs pressure relief valves, this mitigates environmental and safety issues with pressure relief valves releasing frac fluids to the atmosphere.

Placing relief valves on the passive side of the casing is standard procedure.

If you have any questions or require clarification please contact me at 403 724-5272.

Sincerely,



Kevin Pilger
Senior Compliance Coordinator

PO Box 2350, Stn M Calgary, AB Canada T2P 2M6 Tel.: 403.724.5000 Fax: 403.724.5001

2100, 308 4th Ave SW Calgary, AB Canada T2P 0H7 www.taqaglobal.com



Richmond, Tom

From: Verne House [vwhouse@me.com]
Sent: Tuesday, June 14, 2011 11:13 PM
To: DNR FracComments
Subject: Public information about fracking

Dear Members of the Board of Oil & Gas Conservation:

I commend you for holding the public hearing on fracking rules. I urge you, in fairness to landowners and considering public health and water quality, to adopt rules that require frackers to file public notice of intent to frac. The rules should require:

Public information: Intent to frac notice must be given to surface rights holders, the general public, the DNRC, the DEQ, and the media. It will be useless if notice is given after fracking; after considering this issue I suggest notice be given at least 30 days in advance and preferably 60 days.

Trade secrets: Gas producers say that they should not be required to divulge trade secrets. I respect their concern, if the secret ingredient is highly toxic we must weigh their right to privacy against public interests in health, water, air, etc. Please consider this rule: No materials may be used to develop gas or injected into ground waters that would not be permitted in surface waters.

These rules should not discourage any gas producer that has Montana's interests at heart. I hope that they can make a profit while supplying gas, but if they cannot also protect the citizens and the environment they should change their business plan. When they market gas their costs should include compensation for the problems that come with gas production.

Respectfully submitted,

Verne W House, Professor Emeritus, Agricultural Economics

Richmond, Tom

From: sara toubman [stoubman@gmail.com]
Sent: Wednesday, June 15, 2011 2:16 PM
To: DNR FracComments
Subject: Fracking

To the Board of Oil and Gas Conservation -

How can fracking be allowed with unknown chemicals within one mile of a well? Poisonous chemicals have already seeped into wells in other fracking areas. We all need water to live. To pollute and poison a person's water source destroys the value of their property and potentially makes the person/people sick. Fracking should not be allowed anywhere near private property.

Thank you,
Sara Toubman
940 Wilder Ave.
Helena, MT 59601
stoubman@gmail.com

Richmond, Tom

From: Richard Fisher [rjfishermt@bresnan.net]
Sent: Wednesday, June 15, 2011 3:17 PM
To: DNR FracComments
Subject: Oil and Gas Development / Environmental Quality

IF it comes to a choice between having oil and gas, or healthy consumption quality water, I choose water.

IF it comes to a choice between having oil and gas, or quality soils that will raise consumable food, I choose quality soils.

Oil and gas development is increasing in Montana on the Rocky Mountain Front. Developers who have recently bought oil and gas leases on state and private lands could potentially use hydraulic fracturing to extract oil and gas.

I urge the Montana Board of Oil and Gas Conservation (BOGC) to learn from the experience of other states, including our neighbor Wyoming, who have enacted similar rules on fracturing and the use of fluids.

Similar disclosure rules were enacted in Wyoming in 2010. Water contamination is now being investigated. The EPA has discovered chemicals used in the fracking process including trace amounts of benzene in water wells.

Trade secrets I understand. However, there are no secrets when chemicals are used that have the likely potential to contaminate our ground water reservoirs. The draft rules currently exempt chemicals deemed to be trade secrets from public notice by the oil and gas industry. Under the draft rules, nothing will be published on the BOGC website. Paper records of the limited information on chemicals specific to each oil and gas well will be kept at the BOGC office in Billings.

Do I have access to this information?

As rules are proposed and adopted, I request the adoption of rules which provide readily available public access to all information on the toxic chemicals used in fracking.

Rules adopted by the Board of Oil and Gas MUST protect the public and clean water.

In summary:

The chemical information for any fracturing fluids used needs to be easily accessible by the public on the Board of Oil and Gas' website.

These chemicals need to be disclosed in advance in order for landowners in areas such as Sweet Grass County to begin baseline water testing.

All landowners with water wells and springs within a 1 mile radius of the proposed well to be fracked, must receive written notification of the planned chemicals to be used.

Companies should have to apply to the Board of Oil and Gas and provide a written justification available to the public for any trade secret exemptions. Exemptions should only be granted in extremely rare circumstances. Even if the chemical is listed as a trade secret, it still must be disclosed to the Board of Oil and Gas.

Montana's water quality depends on it. The health and well-being of our people and nourishing planet depend upon it.

Richard Fisher
3015 Acacia Way
Great Falls, Montana 59404 3692

406 452 8236

rgfishermt@bresnan.net

Richmond, Tom

From: Christopher Eckhoff [upland@midrivers.com]
Sent: Wednesday, June 15, 2011 5:31 PM
To: DNR FracComments
Subject: comments on the 15 June meeting in Sidney MT

My name is Christopher Eckhoff, I live in Savage, MT, and I attended the Board of Oil and Gas Conservation public meeting in Sidney, MT on 15 June. I listened with an open mind in an attempt to try to understand this issue of fracking which is becoming so prevalent in my community. I came away from this meeting more concerned about this activity than I did when I arrived. My concerns are two-fold.

My first concern has to do with the principle of "trade secret". I discussed this concern directly with the attorney who is a member of the board. I told him that we aren't discussing some new widget which can perform some task twice as quickly as any other widget, and this new widget must be protected as a "trade secret". Rather we are talking about a chemical compound whose composition is being protected as a "trade secret" and being balanced against public health. It is unconscionable and immoral for any individual or company to use in their industry any item which may cause harm to the general public, covering their tracks by saying such item is a "trade secret". For God sake people, a person who owns a demolition company could put together a nuclear bomb by shielding his activity as a "trade secret".

The second item which concerned me was the secretive nature of the oil field representatives at this meeting (and don't even get me started about the remarkably defensive attitude of the gentleman on your board who spoke of his 50 years dealing with this industry and what a wonderful job they have been doing for all of us). This secretiveness was best illustrated by the three gentleman from three different oil companies who each stood up and told the board what a wonderful job you were doing, that maybe a little tweaking might be in order and that, by the way, our company will be submitting our suggestions next week. The very idea that these companies don't want their influences on this rule revealed in a public forum suggests strongly they are trying to work in secret, behind the scenes.

One more thing – Mrs. Nelson, I'll buy you dinner at the restaurant of your choice (as long as it is in our great state of Montana) if the gentleman representing the Devon company ever gets back to you with further information about your concerns in regard to an incident in North Dakota which resulted in ground water contamination.

The Board of Oil and Gas Conservation is presented with a golden opportunity to draft rules which will further the oil drilling activities in the state but do it in a responsible and even more to the point, ACCOUNTABLE manner. It seems obvious to me the industry does not want to go on record about what they are pumping into our substrata because they don't want to be held accountable when something goes wrong. It's that simple.

Finally, please remember that the oil and gas belong to the people of this state (except for non-resident landowners of course), that we have the resource and the oil companies want it, indeed must have it to continue operating. We are doing them a favor by letting them take it; they aren't doing us a favor. These oil industry companies continuously propagandize us with the notion that we should be thankful they are in our communities. Personally, I don't care one way or the other that they are here. If they can make some money here, more power to them. Just don't trash our community in the process.

Thank you for your time and consideration,
Christopher Eckhoff
11463 Hwy 16
Savage, MT 59262
798-3457



PARK COUNTY COMMISSIONERS

City/County Building
414 East Callender Street
Livingston, MT 59047
www.parkcounty.org

Phone 406-222-4106
Fax 406-222-4100
commissioners@parkcounty.org

June 15, 2011

Mr. Tom Richmond
Montana Department of Natural Resources and Conservation
Board of Oil and Gas
2535 St. Johns Avenue
Billings, MT 59102

FAX: (406) 655-6015

Dear Mr. Richmond:

On behalf of the residents of Park County, Montana, we appreciate the opportunity to provide comment regarding the adoption of New Rules I through V regarding oil and natural-gas well stimulation. This is an area of vital concern to our county because of the high probability of recoverable natural gas resources in the Upper Shields River Valley. As elected county commissioners, our interest is three-fold: (1) to facilitate responsible economic activity and development in Park County while (2) maintaining the highest possible level of protection for our land, water and air resources and (3) the health and welfare of our citizens.

As a general observation, we believe that public education concerning hydraulic fracturing is seriously lacking across Montana. Considering the multitude of ramifications – beneficial and adverse – that can result from this technique, it is our opinion that the Board of Oil and Gas Conservation and the Department of Natural Resources and Conservation in the course of their statutory authority have both the opportunity and the responsibility to expand public knowledge about hydraulic fracturing. The Park County Commission is working to do so locally, but we lack the essential statewide overview. Therefore, we strongly urge more public hearings on the proposed rules, their meaning, and long-term effects, in additional locations, including Park County.

We also note that several other states are examining both legislation and administrative rules regarding "well stimulation," and that in some cases new permitting has been halted until new provisions are in place. As a member of the Interstate Oil and Gas Compact Commission, and the Ground Water Protection Council, Montana should take heed of lessons-learned and best-practice methods identified in other states. Rules adopted now will affect generations to come, and we must make every effort to develop the most far-sighted public policy possible.

Speaking specifically to the present proposed rules:

New Rule I: Regarding (2)(a), we believe the minimum requirement of 24 hours' notice prior to the commencement of well-stimulation activities is very insufficient for proper

administrative oversight and public notice. The technical complexity of well-stimulation and the potential for long-lasting adverse consequences should an error occur require a minimum notice of 72 hours prior to initiation.

New Rule III: In general, we are unconvinced that provisions to restrict or prevent disclosure of a so-called "trade secret" hydraulic fracturing chemical product is in the best interests of the citizens of Montana. Especially given the legacy of contamination left by resource-extraction that Montanans live with today, it is only reasonable that particular vigilance be exercised. Should a "trade secret" product be desired for use in a Montana well, the owner, operator or service contractor should be held to an explicit standard of detailed public explanation of why that product is essential to that process. If permitted by appropriate authorities on the basis of scientific data, then a specific bond should be required of the owner, operator or service provider for a length of time to include the life of the well and a subsequent period to preclude any follow-on adverse effects.

Speaking specifically to III(3), we question the public safety and public policy implications of requiring a health professional to complete a confidentiality agreement when a health hazard is believed to exist. As a County Commission, we have a responsibility within our authorities to protect the health and well-being of our constituents and we believe this provision runs counter to that responsibility.

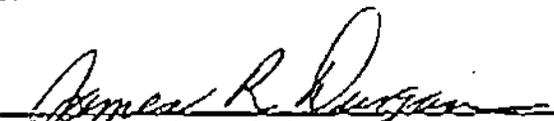
We do not believe proposed Rules I through V will fully address hydraulic fracturing issues in Montana. As this activity increases, the differences in geology, water resources, air-quality characteristics, population density, infrastructure resources and other considerations will become better known and must be addressed. Of particular concern to Park County is protection of limited – and priceless – water resources, both at the surface and in deeper aquifers.

Finally, best-practice methods derived from the experiences in other states are beginning to become known in Montana. To our knowledge, there has been little opportunity for Montana citizens to become familiar with these best practices via the statutory bodies with regulatory and oversight responsibilities in this regard. There is a significant need for more widespread public information about hydraulic fracturing in our state and we hope that the June 15 public hearing in Sidney – and other locations – will aid in that effort.

Sincerely,

PARK COUNTY BOARD OF COMMISSIONERS:


Randy Taylor, Chair


Jim Durgan, Commissioner

ABSENT
Marty Malone, Commissioner

Richmond, Tom

From: Jerry & Linda Iverson [jliverson@mtintouch.net]
Sent: Thursday, June 16, 2011 7:18 AM
To: DNR FracComments
Subject: comments on New Rules

Jerry Iverson
1270 Lower Sweet Grass Rd
Big Timber, MT 59011
(ph): 406-932-5840

Dear Board:

I own a small ranch in Sweet Grass County. I don't own a controlling share of the mineral rights, my neighbors with 1/2 mile have leased their rights, and an exploratory well has been drilled within 5 miles of my property. My primary interest in the New Rules is their affect on a citizen's ability to protect the water quality of stock and domestic water.

I commend the Board for it's consideration of the proposed New Rules. The Rules address the concerns of many land owners in relation to potential impacts of hydraulic fracturing.

I believe that some parts of the New Rules are inadequate, and need to be clarified and strengthened:

First, New Rule I, Section 2

- The operator should provide written notice to all landowners within 1 mile of the a well prior to stimulation. Land ownership is easily available at a county courthouse. The burden and cost of notification should be borne by each operator.

Second, New Rule II, Section 4

- The IOGCC/GRC website has potential as the site for public disclosure. However, its current setup is inadequate and confusing. It is the responsibility of the MT BOGC to make the disclosure of fracking fluids user friendly, and easily accessible to the general public. The BOGC should provide clear instructions for disclosure on its own website.

Third, New Rule III, Sections 1+2

- How does the Board determine that a product ,method, or process is truly a trade secret? Ground water belongs to the state and needs to be protected by the state. The BOGC is the entity by which the public has access to the impacts of oil and gas development on ground water and surface water. The Board should be the locus of information about what is injected into ground water. The operator should provide the Board a list of all chemical constituents contained in the trade secret product. It's our water, and we have a right to know what goes in it. Perhaps the Board would need to execute a nondisclosure agreement ins certain instances, but the Board should have all the information.

I appreciate your time and hard work concerning this complex subject.

Thank you for this opportunity to comment.

Jerry Iverson

Richmond, Tom

From: MICHAEL LEBWOHL [mlebwohl748@msn.com]
Sent: Thursday, June 16, 2011 8:10 AM
To: DNR FracComments
Subject: Fracking disclsuer rules

The new rules should either require disclosure of all chemicals and formulas used in the fracking process by well, or at least be readily accessible on line at a Montana government agency that is required to disclose the information to the landowner or water well owner on request when there is a potential of a water well being contaminated. Regulations should make it impossible for the drilling company to delay the disclosure of the chemical makeup of the fracking liquid.

Michael Lebwohl
PO Box 354
Gallatin Gateway, MT 59730
406-763-5106

Richmond, Tom

From: Mert and Vicki Freyholtz [mervic@mtintouch.net]
Sent: Thursday, June 16, 2011 10:05 AM
To: DNR FracComments
Subject: Rules regarding fracking

Gildford, Mt. 59525
June 16,2011

Board of Oil and Gas Conservation
2535 St. Johns Avenue
Billings, Mt. 59102
Dear Board members:

Thank you for your efforts to establish rules regarding fracking. It is an issue that needed to be addressed.

I would like the rules to include the publics' " right to know" what chemicals are being used in their area. Since several companies plan to use hydraulic fracking to extract oil and gas I would assume they would all use similar chemicals . Therefor the argument that they are "trade secrets" is a little ridiculous.

These cheicals need to be disclosed before they start working in an area. They also should test samples of the water wells in the area before they start. A mile radius would probably be a good distance to cover and shouldn't be a hardship on the companies. All this information should be readily available to the public.

Once the operation has commenced there should be water monitoring in the 1 mile radius of the wells on a continuing basis to ensure no damage to water wells has occurred.And this information should be readily available to the public.

If a company feels they really have a "trade secret " to protect they should have to justify their reasoning and still have to report it to the Board of Gas and Oil Conservation. Exemptions should be granted in only very rare circumstances.

Thank you !

Sincerely,

Vicki Freyholtz

P.O. Box 211

Gildford, Mt. 59525

Richmond, Tom

From: Caroline Metzler [coyotecreative@gmail.com]
Sent: Thursday, June 16, 2011 5:04 PM
To: DNR FracComments
Subject: fracking

To whom it may concern:

Chemical information for any fracturing fluids used needs to be easily accessible by the public on the Board of Oil and Gas' website. With over 500 chemicals used in this process, the public needs to be fully aware and informed about these chemicals and their potential effects on health and environment.

These chemicals need to be disclosed in advance in order for landowners in areas such as Garfield County, Colorado to begin baseline water testing. All landowners with water wells and springs within a 1 mile radius of the proposed well to be fracked must receive written notification of the planned chemicals to be used.

Companies should have to apply to the Board of Oil and Gas and provide a written justification available to the public for any trade secret exemptions. Exemptions should only be granted in extremely rare circumstances. Even if the chemical is listed as a trade secret, it still must be disclosed to the Board of Oil and Gas.

Thank you for considering these comments,
Caroline Metzler

Caroline Metzler
Coyote Creative Graphic Design
w - 970.963.4711 | c - 970.366.6690 | fx - 970.315.0155
coyotecreative.net

"There is no shortcut to any place worth going." - Beverly Sills

Richmond, Tom

From: Norman Bishop [nabishop@q.com]
Sent: Thursday, June 16, 2011 8:31 PM
To: DNR FracComments
Subject: Comments on Fracking

Today I was among 14 concerned citizens who met with Senator Max Baucus's staff in Bozeman. Senator Baucus is waiting until a report due next year from EPA on fracking before he weighs in on the FRAC Act, possibly co-sponsoring S.587. The staffer said that the senator feels that regulation of fracking chemicals needs to be done at the state level, because states, the staffer said, tend to resent and resist regulations foisted upon them by the federal government.

Okay, the buck has been passed to you. Will you respond with action, or by passing the buck to the school children of Montana, who just got turned down by the State Supreme Court when they petitioned to force the state to adopt regulations to curb greenhouse gas emissions? It's the children who stand to lose - their health, their property, their lives - if we who are in authority today do not put protections in place for them. Do it for the children. Our legislature won't even demand that the contents of the fracking fluids be revealed so that landowners poisoned by them can be treated appropriately. Someone has to step up and defend our children. My last hope is that it will be the Montana State Board of Oil and Gas.

Thank you.

Norman A. Bishop
4898 Itana Circle
Bozeman, MT 59715

Richmond, Tom

From: Betsy Scanlin [bescanlin@msn.com]
Sent: Thursday, June 16, 2011 11:07 PM
To: DNR FracComments
Subject: Comment to Proposed Rules re: Hydraulic Fracturing

Dear Board of Oil and Gas Conservation:

Please accept these comments and requests in connection with your hearing on the proposed adoption of rules relating to "fracking" processes.

You will be determining your and my children's and grandchildren's health and economic welfare in enacting these rules. You have the ability now to prevent future clusters of cancers and future superfund sites such as the smelter regions of yesteryear whose costs in health and remediation have burdened our generation of taxpayers.

In Montana, our water is limited and precious. Neither you nor industry will be able to remediate undrinkable water for entire communities as well as agricultural land. Your actions in adopting the proposed rules can either protect it, as our state constitution envisioned, or jeopardize it. Please do not jeopardize it when you have the means to safeguard it.

Rule II Disclosure and Rule V Notification: If chemicals used in "fracking" are benign and not toxic, there should be no reason not to require disclosure of them. If their formula is proprietary, the Board can require the formulas to be confidential while still requiring disclosure of the elements of the formula. There should be no loopholes that defeat the intent of providing public knowledge of processes that could jeopardize public health and economic stability. Information should be easily and timely available to members of the public, namely, before processes begin, through current and future technology. Disclosure should be required at least 10 days prior to drilling: the proposed 24-hour notice of disclosure is unrealistic and insufficient.

Please acknowledge in your actions that you represent the public and not solely commercial interests. Present private jobs without safeguards are not worth the future public costs of medical care of our people and remediation, if even possible, of our water and land.

Please assure that we Montanans can have safe economic development that does not jeopardize the health and welfare of our residents.

Thank you.

Sincerely,

Betsy Scanlin, 401 N. Word Ave., P.O. Box 65, Red Lodge, MT 59068 (406) 446-1599, bescanlin@msn.com.

RECEIVED

JUN 16 2011

MONTANA BOARD OF OIL
& GAS CONS. BILLINGS

June 10, 2011

Board of Oil and Gas Conservation
2335 St Johns Ave
Billings, MT 59102

To Whom It May Concern,

This letter regards the issue of "fracking". Despite our need for drilling our oil reserves, it is imperative to do so in a manner that protects the safety and health of citizens. I am asking your board to make available to the public the chemicals used in the fracking process. If nothing else, make the chemicals known to the local landowners and health care providers to ensure their safety. The oil and gas companies should also be required to provide justification for the non-disclosure of their trade secrets. Thank you.

Sincerely



Randy Kenyon
PO Box 3312
Kalispell, MT 59903

11/10/11
11/10/11
11/10/11

Richmond, Tom

From: Jerry Brekhus [mtcohper@gmail.com]
Sent: Friday, June 17, 2011 9:04 AM
To: DNR FracComments
Subject: Hydraulic Fracturing

Thank you for the opportunity to comment.

At the very least, oil and gas companies should be required to report all the chemicals that they use in the fracking fluids. This information needs to be provided to medical personnel in the area in advance. Knowing the chemicals to check for, labs can then check water supplies for those chemicals BEFORE drilling begins, in order to establish existing water quality.

Advance notification should be required to residents within 3 miles of a proposed oil or gas well.

In my opinion, rules must hold oil and gas companies responsible for keeping methane and fracking compounds out of water wells and streams in the areas where they have oil and gas wells. If these contaminants appear where they were not present before drilling, that ought to be sufficient evidence to require corrective action, including, but not limited to, financial compensation, providing clean water and new wells to replace contaminated water sources, and ceasing fracking in the area.

No financial settlement should be allowed to include a gag order. Landowners should be free to comment on oil and gas companies, regardless of their settlement status.

Finally, I want you to know that I use natural gas to heat my house, and use gasoline in my car. Therefore, I recognize the need for oil and gas production. My point is that we need reasonable safeguards to assure that production is done in a prudent and responsible manner, and that the public and local authorities are fully informed. In the rush to produce, we cannot just rely on drillers to police themselves. Enforceable rules are needed.

Again, thank you for the opportunity to express my opinions on this topic.

Sincerely,
Jerry Brekhus
43 E Palisade Basin Dr
Red Lodge, MT 59068

(406) 446-2307

Richmond, Tom

From: summermuth@aol.com
Sent: Friday, June 17, 2011 12:49 PM
To: DNR FracComments
Subject: Please Disclose Fracking Fluids in New Rules!

Dear Board of Oil and Gas Conservation,

I am urging you with a full heart to please protect my family's health by requiring full disclosure of the chemicals that are being used in hydraulic fracturing by oil and gas companies.

I live in beautiful Red Lodge, Montana. My husband and I decided to move here 13 years ago to raise our family of 3 children and be in a clean environment. It hurts me to even think that this gorgeous state I have grown to love, could be threatened by the toxic chemicals used in the mining industry.

Toxic run-off into streams, lakes and into aquifers is something I am very knowledgeable about. Having lived downstream of a super-fund site in rural Minnesota before, is a scenario I do NOT want to repeat.

It would take a lawsuit to prove that my health and that of my children was harmed by toxic chemicals that got into our well water from the landfill near our home in rural Minnesota, but the truth is that my children have been ill and so have I. Epilepsy, Hashimoto's Syndrome (thyroid disorder), fibromyalgia, arthritis, Attention Deficit and Hyperactivity Disorder, allergies, testicular cancer and more - are the illnesses that my family faces.

My children now live in Bozeman and Belgrade, Montana. It concerns me that mining companies are scoping out and buying mineral rights and leases near Big Timber, for coal bed methane gas extraction, and that the track record of DEQ inspections and enforcement is inadequate to protect them from potential toxic chemical spills and gas leaks in their neighborhoods.

In fact, besides my children, I wish this potential poisoning scenario on no one! Landowners and residents of Montana, as well as the entire United States and the whole world, deserve to know what chemicals are being used that could very easily, and often have been known to, pollute their wells and air.

So I am asking you to please strengthen the existing rules to include:

- + New Rule III full disclosure and an easily accessible web site listing of fracking fluids for each well which are clearly labeled.*
- + Let landowners know if gas and oil and coal extraction companies are moving into their surrounding neighborhoods.*
- + Change in Rule II Disclosure #4, which circumvents the notification rule and creates loopholes for avoiding disclosure and the intent of the law.*

+ In New Rule III add what field workers are asking for, which is an emergency shut-off valve for each well head to be mandatorily installed.

+ Add that well monitoring, inspection and law enforcement be a part of the new rules, on a regular and frequent basis. If this takes adding more DEQ personnel, then that's what it takes. As it is now, we have so few DEQ people to keep watch over the extraction industry, that it is impossible for proper oversight.

This is for the citizens of the United States and for Montanans in particular. We have a right to clean water and clean air. Please help me to protect this right.

Thank you for your attention,

**Deborah Summer Muth
39 Lightning Lane
Red Lodge, MT 59068
summermuth@aol.com**

Richmond, Tom

From: Beadle, Brien [Brien.Beadle@BitterCreekEnergy.com]
Sent: Friday, June 17, 2011 1:38 PM
To: DNR FracComments

Tom,
I agree with and support the HF rule changes proposed by Dave Galt and the MPA. HF is very important to the gas industry and the production of natural gas. Please consider MPA's ideas as they have put considerable thought into them to come up with something we all can live with.

Brien Beadle
Field Manager
Bitter Creek Energy Services
Office (406) 527-3351 ext. 11
Cell (406) 527-7300
Cell (406) 301-1024
Fax (406) 527-3525
[*brien.beadle@Bitter Creek Energy.com*](mailto:brien.beadle@BitterCreekEnergy.com)





350 Ryman Street
P.O. Box 7909
Missoula, Montana 59807-7909
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Fax (406) 523-2595
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Elizabeth L. Hausbeck
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William Evan Jones
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Larry E. Riley
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Jeffrey B. Smith
Peter J. Stokstad
Kevin A. Twidwell
William T. Wagner
Kelly M. Wills
Elena J. Zlatnik

RECEIVED

June 16, 2011

JUN 17 2011

VIA EMAIL: fracccomments@mt.gov & OVERNIGHT DELIVERY

**MONTANA BOARD OF OIL
& GAS CONS. BILLINGS**

Tom Richmond
Division Administrator
Montana Board of Oil and Gas Conservation
2535 St. Johns Avenue
Billings, MT 59102

Re: Notice of Public Hearing on Proposed Rule (Well Stimulation Activities/Hydraulic Fracturing)

Dear Administrator Richmond:

On May 26, 2011, the Montana Board of Oil and Gas Conservation ("MBOGC" or the "Board") published a "Notice of Public Hearing on Proposed Adoption, In the matter of the adoption of new Rules I through V regarding oil and gas well stimulation." The proposed new rules include key provisions involving hydraulic fracturing fluid disclosures, safety and well control requirements and pre-fracturing notice and approval. Well stimulation operations and specifically, hydraulic fracturing, play a key role in the development of our nation's oil and natural gas resources and the substantial economic benefits provided by oil and natural gas production activities in the State of Montana. Halliburton Energy Services, Inc. ("HESI") supports the MBOGC's efforts to develop balanced and effective regulations for hydraulic fracturing operations that ensure the safe and effective development of the State's oil and natural gas resources.

The following comments submitted on behalf of HESI address the disclosure requirements, the confidentiality protections and the well safety and control standards specified under the MBOGC's proposed rules. These comments also include recommendations for clarifications of the Board's rules that would reflect industry practices while still achieving the intent of the proposed new rules. HESI requests that these comments be made part of the Board's record for the proposed rule.

A. Introduction

HESI is a leading provider of services to the oil and gas exploration and production industry, including hydraulic fracturing services. HESI has been an industry leader in providing fracture stimulation services for

Tom Richmond

RE: Notice of Public Hearing on Proposed Rule (Well Stimulation Activities/Hydraulic Fracturing)

June 16, 2011

Page 2

oil and gas wells since pioneering hydraulic fracturing technology in the late 1940s. Over the past 60 years, HESI has performed hydraulic fracturing services on hundreds of thousands of wells in a wide variety of geographic settings and formations and has developed numerous innovations in hydraulic fracturing operations. This experience includes a significant amount of hydraulic fracturing work for well operators developing oil and natural gas resources from the Bakken Shale and other areas in the State of Montana.

At the same time, HESI has been recognized as the leader among oil and gas service companies in product innovation and the development of important solutions for our nation's energy industry.¹ The development and protection of HESI's innovative proprietary technologies can yield increased efficiencies both in the production of oil and natural gas resources as well as significant environmental benefits. For example, HESI spends significant research and development dollars understanding the geologic, petrophysical and reservoir parameters of hydrocarbon-bearing formations and their role in order to design stimulation programs that will successfully stimulate a formation in the manner desired, while ensuring the integrity of the production and water-bearing zones. These efforts include significant investment in developing more effective and innovative fracture stimulation fluid systems for increased production efficiency and environmental compliance in conventional and unconventional formations, including coalbeds, shales and tight sands. In light of these major investments and leading innovations, HESI seeks to fully protect all trade secret and proprietary information regarding its hydraulic fracturing formulations and related technologies.

B. Hydraulic Fracturing Is Critical To Energy Development

Hydraulic fracturing is essential to the production of oil and natural gas resources in Montana and throughout the United States. This technology has been viewed as the "technological key to the economic recovery of shale gas." Ground Water Protection Council, *et. al.*, *Modern Shale Gas Development in the United States: A Primer* at ES-4 (April 2009) ("*Shale Gas Primer*"). In fact, hydraulic fracturing is required to effectively access domestic supplies of oil and natural gas found in shale formations such as the Bakken Shale.

In 2008, the U.S. Geological Survey released a report estimating that up to 4.3 billion barrels of technically recoverable oil existed in Montana and North Dakota's Bakken Formation. See U.S. Department of the Interior, U.S. Geological Survey, *Assessment of Undiscovered Oil Resources in the Devonian-Mississippian Bakken Formation, Williston Basin Province, Montana and North Dakota* (2008) ("*2008 Bakken Assessment*"). This estimate only reflected a limited number of producing wells at the time. *2008 Bakken Assessment*. In light of technological advancements and increased production in the region, recent industry reports indicate that the ultimate recovery from the Bakken play is now estimated at 24 billion barrels.²

¹ See Wall Street Journal, *Patent Scorecard* (July 2009).

² During a First Quarter 2011 Results-Earnings Call, Continental Resources' Chairman and CEO Harold Hamm stated, "[The U.S.G.S] estimate was based on data available as of June 2007 and reported in April 2008. Since June 2007, we have seen a complete technological revolution in the play up there, with more than 2,000 additional producing wells completed. Given the rapid growth of the Bakken field, the vast amount of new data and the technology in drilling and completion up there, we feel an updated estimate of the technically recoverable reserve for the Bakken field is warranted. Based on our engineers' analysis, we believe there are at least 24 billion barrels of oil equivalent technically recoverable from the Bakken field. And we hope the USGS chooses to update their report again." A transcript of the First Quarter 2011 Results-

Tom Richmond

RE: Notice of Public Hearing on Proposed Rule (Well Stimulation Activities/Hydraulic Fracturing)

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In 2008, the Center for Applied Economic Research at MSU-Billings estimated the total economic impact of oil and gas exploration and production activities in Montana at over \$9 billion for the year 2007. Scott Rickard, Ph.D., *Economic and Fiscal Impacts of Montana's Petroleum and Natural Gas Industries*, Center for Applied Economic Research, MSU-Billings at 10 (March 2008) (the *Rickard Report*). In fact, the oil and natural gas industry supported over 12,000 jobs directly or indirectly for Montana in 2007. *Rickard Report* at 11. Montana Governor Brian Schweitzer recently commented:

We're increasing in Montana by thousands of jobs in drilling in what's called the Bakken (Shale Formation) in eastern Montana. It is the richest geologic structure in all of the United States. Recent estimates are that there's about 25 billion barrels of recoverable oil in the Bakken in North Dakota and Montana. . . . So this one structure in North Dakota and Montana could be one of the keys to energy independence in the short term.³

Given these developments, HESI believes that careful and effective regulation of hydraulic fracturing operations should protect against potential environmental and health risks while at the same time ensuring the continued development of oil and natural gas resources in Montana that will result in significant economic benefits for the state.

C. Disclosure Requirements Under the Proposed Rule

In general, HESI supports many aspects of the new MBOGC regulations. These rules seek to strike an appropriate balance between additive product disclosure and the protection of proprietary and confidential business information. Such an approach helps assure that governmental officials obtain sufficient information while at the same time allowing Montana's oil and natural gas resources to be effectively developed in as productive and cost-effective a manner as possible.

At the same time, HESI requests that the MBOGC make a few clarifications to certain provisions of the proposed rules in order to better explain (1) the disclosure requirements for companies performing hydraulic fracturing services under proposed Rule I; (2) certain reporting provisions under proposed Rule II; (3) the trade secret standard incorporated in proposed Rule III; and (4) the mechanical integrity requirements set forth in proposed Rule IV. These requested clarifications are described in greater detail below.

1. *Proposed Rule I (36.22.609) Should Limit or Eliminate the Amount of Information Required To Be Disclosed Prior To Fracturing Operations*

Under proposed Rule I, well operators must include a significant amount of information in a permit application before authorization to complete a well through hydraulic fracturing, acidizing or other chemical stimulation is granted. Specifically, under the proposed regulations the permit application must include:

Earning call is available at <http://seekingalpha.com/article/268068-continental-resources-ceo-discusses-q1-2011-results-earnings-call-transcript>.

³ Kelly David Burke, *Increased Drilling Creates Jobs*, Fox News.com (March 17, 2011) available at <http://www.foxnews.com/us/2011/03/17/increased-drilling-creates-jobs/>.

1. The estimated total volume of treatment to be used;
2. The trade name or generic name;⁴
3. The amount or volume of the principle components such as viscosifiers, acids or gelling agents;
4. The weight or volume of inert substances such as proppants and other substances injected to aid in well cleanup, either for each stage of a multi-stage job or for the total job; and
5. The anticipated surface treating pressure and the maximum anticipated treating pressure.

Based on current HF practices, HESI submits that the level of specificity required in this proposed pre-treatment disclosure is impractical and will ultimately be ineffective. In essence, the detailed pre-treatment information that would be required under proposed Rule I would require operators to make estimates of the types and amounts of hydraulic fracturing or other treatment chemicals to be used at a time when the operator may not even have selected a service company to conduct the hydraulic fracturing operations for a particular well in the first place and may not yet possess any detailed information regarding how the hydraulic fracturing of a well is likely to be conducted.

Even in those situations in which the operator has (at least provisionally) selected a service company, hydraulic fracturing treatments are often continuously adjusted and revised as the well is drilled and more information is obtained about well-specific conditions. As a result, the information that might be provided in an application for a drilling permit regarding a potential hydraulic fracturing design for the well would in many cases change depending upon adjustments made at the well site and during the actual hydraulic fracturing treatments themselves. Ultimately, under these circumstances the pre-treatment information would provide little certainty about the specific hydraulic fracturing chemicals actually used at a specific well site. Furthermore, the pre-treatment disclosure requirements would increase well operators' administrative burdens without providing any clear benefit. Accordingly, the pre-treatment disclosure required under proposed Rule I should be clarified to eliminate the detailed well stimulation information required.

In the alternative, if the MBOGC decides to maintain some form of pre-treatment stimulation disclosure requirement, HESI requests that proposed Rule I subsection (3) be revised to read as follows:

- (3) For the purpose of this section, an adequate description of the proposed well stimulation includes:
- (a) ~~the estimated total volume~~ the anticipated type of treatment to be used;
 - (b) ~~the trade name or generic name;~~
 - (e)(b) the estimated amount or volume of the principal components such as viscosifiers, acids, or gelling agents treatment fluids to be used;

⁴ Halliburton presumes that the proposed requirement to provide "trade name or generic name" refers to the trade name or generic name of an additive.

~~(d)(c) the estimated weight or volume of inert substances such as proppants and other substances injected to aid in well cleanup, either for each stage of a multistage job or for the total job to be used; and~~

~~(e)(d) the anticipated surface treating pressure and the maximum anticipated treating pressure.~~ The owner, operator, or service company may provide:

(i) a copy of a final design of well treatment actually used for similar wells and which reflects the likely design for the well to be permitted; or

(ii) a prefiled generic design submitted for specific geologic formations, geographic areas, or well types likely to be used in a particular well.

2. *Proposed Rule II (36.22.1013) Should Clarify That The Post-Stimulation Disclosure of Constituent Identities and CAS Numbers Comprising Fracturing Fluid Additives Should Be Consistent With MSDS-Level Reporting Required Under Federal Law and Should Ensure Protection Of Proprietary Constituent Identities And CAS Numbers From Disclosure To The Public*

HESI also recommends that certain clarifications be made to proposed Rule II, subsection (2) in order not only to provide adequate disclosure of chemical constituents, but also sufficient protection for proprietary and trade secret chemical information. The proposed rules would require an owner or operator to disclose the following information on a well completion or recompletion report after hydraulic fracturing treatments were completed:

(2) For hydraulic fracturing treatments the amount and type of material used must include:

(a) a description of the stimulation fluid identified by additive type (e.g. acid, biocide, breaker, brine, corrosion inhibitor, crosslinker, demulsifier, friction reducer, gel, iron control, oxygen scavenger, pH adjusting agent, proppant, scale inhibitor, surfactant); and

(b) the chemical compound name and the Chemical Abstracts Service (CAS) Registry number, as published by the Chemical Abstracts Service, a division of the American Chemical Society (www.cas.org), for each constituent of the additive used. The rate or concentration for each additive shall be provided in appropriate measurement units (pounds per gallon, gallons per thousand gallons, percent by weight or percent by volume, or parts per million).

HESI has two primary concerns with this provision. First, the proposed Rule II would require unnecessary disclosure of all chemical constituents present in a fracturing fluid – even those present in trace amounts and those constituents that have no harmful or toxic characteristics. Second, the language of proposed Rule II fails to fully to protect proprietary chemical identities and trade secret formulas.

To address these concerns, HESI first requests that the MBOGC revise proposed Rule II, subsection (2) to require the disclosure of only those chemical constituents listed on an additive product Material Safety Data Sheet (“MSDS”). This proposed approach would be fully consistent with the MSDS requirements for an additive product that are required under the Hazard Communication standard promulgated by the U.S.

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Occupational Safety and Health Administration (“OSHA”).⁵ Pursuant to that standard, MSDSs already provide a wide range of information that is intended to alert employees to the hazards of any chemical products used in a work place and to provide medical personnel with the key information needed to treat any employee who may have been exposed to a chemical product. As part of these OSHA requirements, MSDSs specifically identify the chemical constituents contained in a product above designated concentrations that constitute hazardous chemicals.⁶ These MSDSs also contain information concerning the physical properties of the chemical product, the known hazards associated with the chemical product, measures to be taken in response to a release of the chemical product and relevant first aid information.⁷ Most importantly, while requiring the disclosure of the key hazardous chemicals contained in a product, MSDSs also offer protection for those chemical identities that constitute proprietary or trade secret information.⁸ Consequently, revising proposed Rule II, subsection (2) to require disclosure of MSDS constituents would strike the appropriate balance between the public need for information about hazardous chemicals used at a well site and the need to protect proprietary and trade secret chemical information in order to encourage innovation.

Consistent with the MSDS-level reporting approach, HESI also requests that the reporting requirements under proposed Rule II, subsection (2) be further clarified to expressly provide that proprietary constituent identities and CAS numbers are fully protected from public disclosure. Any requirement that *all* constituent identities be expressly disclosed and linked to the additive products which they comprise will effectively reveal the trade secret formulas for those additive products by enabling competitors and other third parties to more easily identify the exact “recipe” for the additive through reverse engineering or other processes. Such a requirement would result in a loss of the technology and research investment service companies like HESI make to secure and maintain a commercial advantage in the hydraulic fracturing services industry. If these protections were not maintained, HESI and other service companies or chemical suppliers would be forced to pull their highest performing products from use in the state of Montana in order to protect their investments and market positions.

To ensure that trade secret and proprietary chemical identities and associated CAS numbers remain protected, the Board should revise proposed Rule II, subsection (2) to require only MSDS-level constituent reporting and expressly exempt from disclosure those constituent identities and CAS numbers that constitute trade secrets or proprietary information, consistent with the MSDS reporting standards. Under these circumstances, the well owner or operator could provide the chemical family name for the proprietary chemical constituent, as an alternative.

Consistent with these suggestions, HESI proposes that the Board revise proposed Rule II, subsection (2)(b) to require the disclosure of:

the chemical compound name and Chemical Abstract Service (CAS) Registry number, as published by the Chemical Abstract Service, a division of the American Chemical Society (www.cas.org) for each constituent of the additive used listed on the Material Safety Data Sheet for the additive, except for those constituent identities and CAS numbers that constitute trade secret or proprietary

⁵ See 29 C.F.R. § 1910.1200(g).

⁶ *Id.* § 1910.1200(g)(2)(i).

⁷ *Id.* § 1910.1200(e), (g).

⁸ *Id.* § 1910.1200(i).

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information. For trade secret or proprietary constituent identities, the operator should indicate the proprietary status of the identity and may provide the chemical family name instead.

Finally, in order to eliminate duplicative disclosure requirements and efficiently reduce administrative burdens, HESI requests that subsection (4) of proposed Rule II be revised to provide an automatic waiver of the Rule II, subsection (2) requirements if an operator submits a hydraulic fracturing fluid disclosure on the Ground Water Protection Council ("GWPC") and Interstate Oil and Gas Conservation Commission ("IOGCC") hydraulic fracturing website. The GWPC/IOGCC chemical Registry has a designated disclosure form that provides for MSDS-level disclosure concerning the fluids used in hydraulically fracturing a well. The Registry then makes the disclosed information available to the public in a searchable online format. Revising proposed Rule II, subsection (4) to automatically waive the disclosure requirements of subsection (2) for any operator that submits a disclosure form to the GWPC/IOGCC online chemical registry will encourage participation in the online Registry, decrease the administrative burden on the MBOGC, eliminate duplicative reporting by well owners and operators and increase public availability of the disclosed information without compromising the degree of disclosure provided under the proposed rule.

Consistent with this approach, HESI recommends that proposed Rule II, subsection (4) be revised to read as follows:

(4) The Administrator may shall waive ~~all or a portion~~ the requirements of (2) ~~or~~ and (3) of this rule if:

(a) the owner or operator demonstrates that it has provided information to the Interstate Oil and Gas Conservation Commission/ Ground Water Protection Council hydraulic fracturing website, or

(b) other Internet information repositories that can be accessed by the public.

3. *The MBOGC Should Confirm That Proposed Rule III (36.22.1013) Is Intended To Incorporate the Definition of Trade Secret Applied By Montana Courts*

Proposed Rule III provides protections for proprietary and trade secret chemical identities and outlines where disclosure of trade secret formulaic information may be required. HESI's concerns regarding this proposal are set forth below.

First, HESI is concerned that the trade secret standard referenced in proposed Rule III could, in fact, be misinterpreted as being narrower than the trade secret standard already adopted by the Montana courts. As noted in the proposed provision, Rule III relies on the trade secret standard established under Montana Code Annotated § 82-11-117. This provision provides that any information unique to an owner or operator that would if disclosed reveal methods or processes entitled to protection as trade secrets must be maintained by the MBOGC as confidential. Mont. Code Ann. § 82-11-117 (1) (2009). While the Montana courts have not specifically construed the definition of "trade secret" itself as used under section 82-11-117, the courts have generally adopted the following definition of "trade secret" from the Montana Uniform Trade Secrets Act when determining the types of information exempt from public disclosure as trade secret:

(5) "Trade secret" means information or computer software, including a formula, pattern, compilation, program, device, method, technique, or process, that:

(a) derives independent economic value, actual or potential, from not being generally known to and not being readily ascertainable by proper means by other persons who can obtain economic value from its disclosure or use; and

(b) is the subject of efforts that are reasonable under the circumstances to maintain its secrecy.

Mont. Code Ann. § 30-14-402 (4); *see also Great Falls Tribune v. Montana Public Service Commission*, 82 P. 3d 876, 887 (Mont. 2003) (holding that the trade secret determination must be made in accordance with the definition of "trade secret" under the Montana Uniform Trade Secrets Act and supporting case law).

This approach demonstrates that the Montana courts have tried to provide broad protection for "trade secrets." In fact, the Commissioner's notes to section 30-14-402 specifically indicate that the definition of "trade secret" under the Montana law is a broader definition than that contained in the Restatement of Torts (First), which requires that a trade secret be "continuously used in one's business." Mont. Code Ann. § 30-14-402 (Commissioner's Notes). For example, under the Montana law protection extends to a plaintiff who has not yet had an opportunity or acquired the means to actually put a trade secret to use. In addition, the Commissioner's notes further state that the definition of "trade secret" under Montana law includes information that has commercial value from a "negative viewpoint" (e.g., the results of research which proves that a certain process will not work could be of great value to a competitor). *Id.* Moreover, the Commissioner's notes to the statute clarify that the words "method, technique" are intended to include the broader concept of "know-how" as well. *Id.*

It is our view that the broad definition of trade secret set forth in Montana's Uniform Trade Secrets Act – and accepted by Montana courts as controlling in determining trade secret exemptions from public disclosure under the state's "right-to-know" laws – could be limited by the confidentiality provisions under Montana Code Annotated section 82-11-117 (4), which provides that "[d]ata describing physical and chemical characteristics of a liquid, gaseous, solid or other substance injected or discharged into state waters may not be considered confidential." *Id.* § 82-11-117 (4). To avoid any misapplication of the accepted trade secret protections already established under Montana law, the Board should revise proposed Rule III to clarify that trade secret or proprietary hydraulic fracturing chemical identities and associated CAS numbers do not constitute "data describing physical and chemical characteristics" of a substance injected "into state waters" under section 82-11-117 (4). This will ensure that hydraulic fracturing and other stimulation chemicals receive the full scope of trade secret protection offered under established Montana law.

In any event, HESI also recommends that subsection (1) be revised to clarify that a "chemical family name" may be disclosed in lieu of the chemical name and CAS number for a proprietary or trade secret constituent. This will avoid any confusion caused by the required use of a "trade name, inventory name or other unique name," each of which could be interpreted to include the specific chemical name or identity that the owner or operator is seeking to protect. The accepted industry term "chemical family name" provides the appropriate disclosure while still protecting the trade secret identity of proprietary chemicals.

Finally, HESI recommends that subsection (2) be revised to clarify that the MBOGC will maintain the confidentiality of any disclosure it receives in response to a spill or release. As currently written, an owner,

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operator or service contractor is required to submit a list of the chemical constituents contained in a trade secret product if necessary to respond to a spill or release of that trade secret product. However, the proposed rule contains no express provision requiring the Board to maintain the confidentiality of such a disclosure. Revising the proposed rule to clarify the MBOGC's obligation to maintain the confidentiality of trade secret chemical information will avoid any confusion or uncertainty about the scope of protection for trade secret chemical information required to be disclosed under proposed Rule III, subsection (2).

4. *Proposed Rule IV (36.22.1106) Should Be Revised To Eliminate Ambiguity in the Required Demonstration of Mechanical Integrity*

HESI also has concerns about the demonstration of mechanical integrity required under proposed Rule IV, subsection (1). Under this proposal, "new and existing wells which will be stimulated by hydraulic fracturing must demonstrate mechanical integrity." However, we believe that this proposed new "mechanical integrity" requirement is open-ended and ambiguous. As drafted, the required "mechanical integrity" may in fact be impossible to achieve in light of the necessary well perforations used in at least portions of the well for the purpose of facilitating the hydraulic fracturing treatments. Obviously, a well that has perforations in certain places cannot be said to generally have "integrity" in the first place. Without further clarification on the definition of "mechanical integrity" and the standard for demonstrating such well integrity, the proposed rule creates unnecessary confusion and imposes a seemingly impractical requirement. Accordingly, HESI recommends that the MBOGC eliminate subsection (1) of proposed Rule IV.

* * * * *

HESI appreciates the opportunity to provide these comments on the MBOGC's proposed rules and would welcome the opportunity to discuss its comments and the proposed rules with the MBOGC and its staff.

Very truly yours,

GARLINGTON, LOHN & ROBINSON, PLLP


Stephen R. Brown

SRB:kaw

c: Halliburton Energy Services, Inc.

Richmond, Tom

From: P.Stetson Agnew [woww@mtintouch.net]
Sent: Saturday, June 18, 2011 12:23 PM
To: DNR FracComments
Cc: rebecca@northernplains.org
Subject: Fracking Comments

To Whom It May Concern:

As ranchers in Sweet Grass County whose neighbors have leased their minerals for oil and gas exploration and whose mineral rights under our ranch land have been leased as well, we urge the Board Of Oil and Gas Conservation to protect the livelihood of our family, the health of our children and our livestock by demanding the disclosure of any toxic materials that go into the ground and might contaminate our water.

The O&G industry can exist successfully with ranchers and other private land holders only if the rights and welfare of Montana citizens are protected as vigilantly as those of the corporation.

No one is disputing the importance of energy independence. But it can and must be done without sacrificing the safety and quality of life of the people who live here and hope their families will continue to reside and work here long after the O&G companies move on.

These companies can make significant profits and make full disclosure of fracking ingredients, so that we can monitor our water sources and our health.

Please make this a requirement.

Thank You
Tom and Patty Agnew
781 Lower sweet Grass
Big Timber, MT 59011
406-932-6503

Richmond, Tom

From: Jeffrey Wise [jefawi1958@yahoo.com]
Sent: Saturday, June 18, 2011 1:32 PM
To: DNR FracComments
Subject: Fracking Fluid Disclosure Rule-making Comments
Attachments: fracking_fluid_graphic.jpeg

Montana Board of Oil and Gas:

This letter is in regard to the rule-making debate about the disclosure of chemicals employed in hydraulic fracturing that is currently underway and, specifically, about Rule III Proprietary Chemicals and Trade Secrets.

I realize that part of your charter is to facilitate the expansion of the oil and natural gas drilling industry in the state of Montana and to manage the regulatory environment in such a way as to make production of these sources of energy as painless as possible for producers. However, any decisions that you make with regard to the rules regarding "fracking" chemical disclosure should be made not only with the producing community in mind, but with the general welfare and health of the public in mind as well. To do any less is to thumb your noses at the constitution of the State of Montana, Article II, Section 3, and to willfully ignore the growing evidence that the use of the fracking procedure and the cocktail of dangerous chemicals employed in that process is already endangering the health and welfare of persons all over the United States. (See below for a partial list of the chemicals that are used by the industry - in this case, by Encana - and their health effects.)



Rule III in MAR Notice No. 36-22-157 does nothing to protect the public in Montana from the insidious creep of this industry's use of harmful chemicals into our drinking water. That this rule is so focused on being reactive to situations in which irreversible damage has already been done to persons, property, or water resources - not to mention wildlife and the atmospheric environment - rather than being proactive in informing the public about the hazards of these chemicals is particularly dumbfounding. Who in their right mind would ever think that any energy-producing process is infallible and not above question about its safety relative to the environment around it? While the scale of a problem at any one producing well or drilling area may not come close to the the effects on a local region, say, a nuclear power plant in crisis, the scale of the natural gas drilling activity in this country, both existent and proposed, and the recent increase in focus on natural gas as a source of energy to generate electricity nationwide, is enough to give any thinking person pause about the long-term effect of this activity on literally millions of people around this country that depend upon *and have a right to clean* drinking water.

I would say that if your board promotes any rule(s) in this area of regulations that do not require full disclosure of the chemicals that producers use in *every one of their wells in Montana* and these rules are adopted by DNRC, both entities will be telling the citizens of this state that they are absolutely subservient to the interests of an industry that, left to its own devices, will do as little as possible to protect the public in order to improve its own bottom line. The health effects on and the deaths of citizens that will result from insufficient regulatory oversight of fracking and the chemicals used in the process will be the blood on your hands that in the future you should never be allowed to forget.

Sincerely,

Jeffrey A. Wise
Red Lodge

Health effects associated with chemicals in fracking fluid*

Chemical	Percent of volume	Skin, eye & sensory organs	Respiratory	Gastrointestinal & liver	Brain & nervous system	Immune	Kidney	Cardiovascular & blood	Carcinogen	Mutagen	Developmental	Reproductive	Endocrine disruptor	Other uses
Diammonium peroxodisulphate	29	■	■	■		■		■						bleach, laboratory cleaning
Distillates (petroleum), hydrotreated light	17	■	■	■	■							■		kerosene
Guar gum	15	■	■			■								food additive
Tetramethylammonium chloride	9	■	■	■	■			■						chemical catalyst
Vinylidene chloride/methylacrylate copolymer	6	Not available												plastic wrap
Methanol	5	■	■	■	■	■	■	■		■	■	■	■	fuel & chemical synthesis (formaldehyde)
1, 2, 3 - Propanetriol	4	■	■	■	■		■	■						sweetener & preservative
2,2',2"-nitrilotriethanol	2	■	■	■	■	■	■	■	■	■		■	■	chemical manufacturing
Sorbitol	2	■	■	■				■						sweetener & laxative
Sodium tetraborate decahydrate	2	■	■	■	■		■	■			■		■	cleaning products & insecticides
Sodium borate (borax)	1	■	■	■	■		■	■			■		■	cleaning products & insecticides
Acrylamide-sodium 2-acrylamido-2-methyl-1-propanesulfonate	0.9	No health effects												drilling
Ethoxylated branched C7-9, C8-rich alcohols	0.8	■	■											industrial cleaning
Ethoxylated branched C9-11, C10-rich alcohols	0.8	■	■											industrial cleaning
Sodium hydroxide (lye)	0.8	■	■	■										soap & textiles
Bis(hydrogenated tallow alkyl)dimethylammonium bentonite	0.6	■	■			■								various industrial uses
Ethoxylated propoxylated 4-nonylphenol-formaldehyde resin	0.6	■	■	■	■	■	■	■	■	■	■	■		circuit board manufacturing
Heavy aromatic naphtha	0.4	■	■	■	■									gasoline & paint thinner production
Alcohols, C11-14-isoalcs., C13-rich, ethoxylated	0.4	■	■	■										chemical catalyst
Alkylbenzyltrimethylammonium chlorides, benzyl-C10-16-	0.4	Not available												various industrial uses
Magnesium silicate hydrate (talc)	0.3	■	■	■	■			■	■					baby powder
Poly(oxy-1,2-ethanediyl)	0.2	■	■	■		■	■							pesticides
Alcohols, C12-13-alkyl, ethoxylated	0.2	■	■	■										chemical catalyst
Alcohol ethoxylate C-10/16 with 6.5 EO	0.2	■	■	■										industrial cleaning
Sodium chloride	0.1	■	■	■	■		■	■	■			■		table salt
Tetrakis(hydroxymethyl)phosphonium sulfate	0.1	■	■	■	■	■	■	■	■	■	■		■	pesticides
Non-crystalline silica	0.1	■	■	■		■								electronics
Boric acid	0.0042	■	■	■	■	■	■	■			■	■	■	insecticides
	100.0%													

*Dependent upon degree and route of exposure.

Richmond, Tom

From: james arnold [jamesfarnold@gmail.com]
Sent: Saturday, June 18, 2011 6:17 PM
To: DNR FracComments
Subject: For: disclosure of fracking chemicals

Fracking offers a tremendous source for domestic (non-OPEC!) hydrocarbon fuels, and I'm all for it.

I am worried, however, at the Oil & Gas industries reticence to disclose its use of chemicals. This seems odd, as if they have something to hide; recent incidents of tapwater contamination suggests that indeed there may be some risks that we need to address.

We can face these problems if and only if we have good information. Let's adopt rules that require the Oil & Gas industry to disclose the kind of chemical, volume, location, depth, and date of injection, and all do our best to make this work.

Thanks, and kind regards,

jim arnold
6044 willow creek rd
helena, mt 59601

Richmond, Tom

From: Gretchen Nolan [gretnolan@aol.com]
Sent: Saturday, June 18, 2011 8:29 PM
To: DNR FracComments
Subject: Fracking Fluids

There is enough evidence that some pumping of fracking fluids under high pressure results in cracks right through to underground water. As there are many sad personal stories from people who are surrounded by gas and oil extraction industries I am very ambivalent about this technology. At a minimum I am clearly in support of making sure that any fluids that are used in this process be publicly disclosed.

Please be sure that all companies disclose what chemicals are used in hydraulic fracturing and which ones are being put in which wells. When toxic exposure happens, it is imperative for medical personnel to respond quickly. That can only happen if the toxic chemicals are known.

Please do not allow extraction industries to be compromise the health and safety of Montana citizens. If we must use this technology, be certain to assure us that there will be adequate disclosure, regulation and oversight.

Respectfully,

Gretchen Nolan
POB 2184
Red Lodge, MT 59068
406-446-1291

Richmond, Tom

From: marilyn hill [snowsquidmax@gmail.com]
Sent: Saturday, June 18, 2011 11:27 PM
To: DNR FracComments
Subject: Public Disclosure of Fracking Chemicals

Dear BOGC Board Members,

First of all I want to encourage you to allow another hearing in Billings so that all concerned and potentially effected parties may get a fair chance to be heard on the above subject.

It is only reasonable and fair to the public that information on fracturing chemicals be readily accessible, most logically on your website. I am encouraging you to draft rules that require that this information be available in advance so that landowners may fairly compare their water wells before and after fracking. If there is no danger from fracking chemicals used in oil and gas drilling then industry should have no worries about disclosure. Why do oil and gas companies want to keep these chemicals secret if they have nothing to hide and there are no dangers?

Please draft rules which require full disclosure of fracking chemicals in advance of drilling, the results of which will be posted for reference on your website.

Thank you for your consideration.

Marilyn Hill
PO Box 160277
Big Sky, MT
59716

Richmond, Tom

From: Ann Harding [annmontana11@gmail.com]
Sent: Sunday, June 19, 2011 11:30 AM
To: DNR FracComments
Subject: Fracking chemical disclosure

144 Daly Ave

Hamilton, MT 59840

Montana Board of Oil and Gas Conservation,

I would like to add my voice to those requesting you implement rules requiring the listing and disclosure of the chemicals injected underground during the fracturing process in natural gas exploration.

Many Montanans strive to maintain a clean water resource, both above and below ground. We do not dispose of our used motor oil on the edge of the road anymore; many of us do not apply herbicides and pesticides on the ground for the same reasons. We save our old paints, solvents, medicines, computers, and cleaners for county-sponsored safe disposal days so they will not end up in local landfills where their toxicity could percolate to the groundwater.

Considering the potential scale of pollution posed by the variety of unknown liquids being used in fracking is alarming.

The degree of risk associated with this practice is over the top for logic, especially given the current state of awareness of pollutants. Why do we require scrubbers on coal-powered power plants? Why are industrial manufacturers required to filter their effluent waters? Why are our organic wastes serviced by tertiary water treatment plants? COME ON ! To introduce voluminous quantities of unnamed liquids underground is contradictory to decades of testing, analysis, laws, comprehension, and effort.

The people who live on the surface of gas reservoir zones are entitled to at least know the agents which may infiltrate their water wells. This is a simple issue of protecting one's private property rights. Elevating a gas company's "trade secrets" above those of individual Montanans' rights is highly objectionable.

I urge you to take the first obvious step to insuring that our state's ground waters are not irrevocably harmed, by requiring drillers to post the contents of their drilling mixes.

Sincerely,
Ann Harding

Richmond, Tom

From: Rand or Janet [galeherzberg@gmail.com]
Sent: Sunday, June 19, 2011 12:37 PM
To: DNR FracComments
Subject: fracking fluids

i am writing this in opposition to the use of fracking fluids.

once an aquifer or however you choose to define a water table or source is contaminated, it is forever. there is NO going back. No, 'oops' we didnt think that could happen.

our 'OUR' water is forever potentiality a health problem.

and who will pay for that?

this is very serious stuff you are playing with. and for what ?

a few more years of oil.... not worth the risk to many us us who seem to get the importance of good clean water.

this is not a good choice for Montana. look at the other states where this has had disastrous complications.

dont ruin OUR water for your short term economical gain

very sincerely

janet gale

red lodge, montana

Richmond, Tom

From: Joe L. Perry [circles@3rivers.net]
Sent: Sunday, June 19, 2011 1:32 PM
To: DNR FracComments

I am concerned about our air and water quality. Please make sure to require adequate bonds. Require strict adherence to the rules. Require disclosure of liquids used.

Thanks,
Joe Perry
Brady, Montana

Richmond, Tom

From: vj watson [h2oshed1@hotmail.com]
Sent: Sunday, June 19, 2011 7:46 PM
To: DNR FracComments; me me
Subject: comments on draft rules on public disclosure of fracking fluids used in oil and gas drilling.

Landowners' wells have been ruined by fracking but this is difficult or impossible to prove because of the secrecy surrounding these chemicals. To correct this injustice and protect human health and property the Montana Board of Oil & Gas Conservation should adopt the following rules and policies:

-- Any chemicals used in fracturing fluids must be easily accessible to the public in a site such as the Board of Oil and Gas Conservation website. That website should provide full information on what is known about the human & env. risks associated with these chemicals.

-- All landowners & municipalities with water wells and springs within a 1-mile radius of a proposed well to be fracked must receive written notification of the fracking fluid chemicals to be used. This notice must be at least one year in advance so nearby landowners can conduct baseline water testing.

-- The state Board of Oil and Gas Conservation should not put protecting trade secrets over protecting water resources, human health & property.

Thank you for this opportunity to comment on the draft rules on public disclosure of chemicals in fracking fluids.

Vicki Watson, Montana citizen
509 Daly,

Missoula, MT 59801

Richmond, Tom

From: Scot Donato [sdonato@billbarrettcorp.com]
Sent: Monday, June 20, 2011 10:09 AM
To: DNR FracComments
Subject: Comments RE: New Frac Rule

Please accept these comments from Bill Barrett Corporation (BBC) to your proposed Rules I through V regarding oil and gas well stimulation.

NEW RULE I WELL STIMULATION ACTIVITIES COVERED BY DRILLING PERMIT (1)

Well completions which include hydraulic fracturing, acidizing, or other chemical stimulation done to complete a well are considered permitted activities under the drilling permit for that well only if the processes, anticipated volumes, and types of materials planned for use are expressly described in the permit application for that well.

(2) For wildcat or exploratory wells or when the operator is unable to determine that hydraulic fracturing, acidizing, or other chemical treatment will be done to complete the well, the operator must obtain **prior written approval** of such activities from the board's staff at any time prior to commencing such activities

BBC Comment:

This can be very difficult in an 'exploratory' program as frac programs can change quickly depending on recent results from other wells or operators. Frac crews are in short supply in general, and especially in exploratory areas where crews may not be readily in the area, thus, scheduling is very difficult and cannot be changed on short notice.

NEW RULE II DISCLOSURE OF WELL STIMULATION FLUIDS

(4) The administrator may waive all or a portion of (2) or (3) of this rule if:

(a) **the owner or operator demonstrates that it has provided information to the Interstate Oil and Gas Compact Commission/Groundwater Protection Council hydraulic fracturing web site;**
or

(b) other Internet information repositories that can be accessed by the public.

BBC Comment:

Many companies, including hydraulic frac companies, have invested significant time and money into the 'Frac Focus' program which provides easily accessible, appropriate, and uniform chemical disclosure information for the public. We believe strongly that this meets or exceeds the intent of the proposed Rule for post frac reporting and it should be clearly stated that this is an acceptable alternative to the requirement for this rule.

In addition, BBC supports and concurs with the comments to be submitted by the Montana Petroleum Association.

Thank you.

Scot A. Donato

Scot A. Donato, P.G.

Manager, Governmental Affairs

Bill Barrett Corporation

1099 18th Street, Suite 2300, Denver, CO 80202

303-312-8191 – sdonato@billbarrettcorp.com

Richmond, Tom

From: Corey Welter [mailto:mtoilman@aol.com]
Sent: Monday, June 20, 2011 11:37 AM
To: DNR FracComments
Subject: draft rules

Mr. Richmond,

Please let it be known that I am in full agreement with the draft rules comments provided by the MPA. Most importantly it should be pointed out that tying the APD to the the disclosure of the fracture procedure would not only be cumbersome to the operator but also to the Board of Oil and Gas. A simple sundry notice disclosing procedures and products should be sufficient and this could be done in a timely manner prior to the fracturing procedure.

Corey Welter
President
Welter Consulting, Inc.
406-259-4878 Office
406-294-4879 Fax
406-670-3836 Cell
mtoilman@aol.com

Richmond, Tom

From: Cathy Watson [CWatson@tranelfirm.com]
Sent: Monday, June 20, 2011 2:41 PM
To: DNR FracComments
Subject: BOGC Hydraulic Fracturing

Tom Richmond:

Attorney Monica Tranel has asked me to contact you regarding the BOGC Hydraulic Fracturing Rules Hearing that was held on June 15 and ask the following:

1. Are there any comments that have been submitted? If so, would you please forward them to me via this email address, or if they are available for viewing on the internet, would you please lead me to the viewing area? I have looked through the BOGC web site and the DNRC website and find the proposed rules, but I can't find an area for viewing the comments.
2. Is it possible to extend the June 23 deadline for comments? If so, what is necessary, if anything, from Ms. Tranel to extend the deadline?

Thank you for your assistance.

Cathy

Cathy Watson
Tranel, McCarter & Morris, PLLC
30 West 14th Street
Suite 204, Empire Block
Helena, MT 59601
(406) 513-1114
[Tranel, McCarter & Morris, PLLC](#)

Richmond, Tom

From: Kendall Van Dyk [KVanDyk@tu.org]
Sent: Monday, June 20, 2011 5:09 PM
To: DNR FracComments
Cc: Michael Gibson
Subject: Hydraulic Fracturing Comments
Attachments: TroutUnlimitedBOGCCComment.pdf

Mr Richmond--

Please find the attached comments on Montana's proposed fracking rules on behalf of National Trout Unlimited and Montana Trout Unlimited.

Please confirm receipt.

Thank you,

Kendall Van Dyk
Western Energy Coordinator
Trout Unlimited
16 Alderson Avenue #A
Billings MT 59101
406.371.5076
kvandyk@tu.org
www.tu.org



Sent via email to: FracComments@mt.gov and US Postal Service

June 20, 2011

Tom Richmond, Administrator
Montana Board of Oil and Gas Conservation
2535 St. Johns Avenue
Billings, MT 59102

RE: Notice of Intent to Consider Adoption of New Rules I through V Regarding Oil and Gas Stimulation

Dear Mr. Richmond,

On behalf of Trout Unlimited National and Montana Trout Unlimited's 3,400 dedicated members, we would like to thank you for the opportunity to comment on the proposed rule changes to well stimulation rules. Further, we appreciate your willingness to address potential rule changes, as these issues have been a topic of considerable discussion during this past year's legislative session. In addition, the concerns about well stimulation are now gaining national attention and TU National and Montana Trout Unlimited (collectively referred to as "TU") appreciate that the Montana Board of Oil and Gas Conservation is getting out in front of this controversial topic.

TU is interested in these rule changes because any activity associated with drilling for oil and gas presents potential contamination issues. Well stimulation, or hydraulic fracturing, is one element of the many phases in oil and gas drilling and as it should be with all drilling activities, fracturing must be done safely. Concerns about human health issues related to contaminated drinking waters and impacts to our state's exemplary fish and wildlife resources remain high with the public. TU strongly supports rules that provide for public safety, while also protecting our great outdoor heritage and its unique resources.

TU is closely monitoring the expanded use of hydraulic fracturing or "fracking" across the country, from the Marcellus Shale development in the East Coast to the Barnett Shale in North Dakota, and to the newest discovery in the Niobrara Shale in Wyoming and Colorado. We are also monitoring states that have adopted or are in the process of adopting fracking rule changes to their Oil and Gas Conservation Commissions, such as those Wyoming adopted last year (September 2010). Clearly, the

issue of fracking has garnered a great deal of attention across the country. As you are well aware, EPA has initiated a Hydraulic Fracturing Study Plan, with the intent to better understand the relationship between hydraulic fracturing fluids and drinking water. TU provided substantive comments to the EPA on this study. Further, it should be noted that New York's Attorney General Eric Schneiderman has filed a lawsuit on behalf of the State of New York alleging that NEPA (National Environmental Protection Act) analysis must be completed prior to the completion of hydraulic fracturing rules to be adopted by the Delaware River Basin Commission, with the ultimate goal being a requirement for a full Environmental Impact Statement (EIS). One could conclude that there is a significant chance that federal agencies could, in the future, require a programmatic EIS and require states to adopt federally established guidelines. We contend that that state of Montana is better suited to adopt its own rules relative to hydraulic fracturing that allow for enhanced resource recovery while addressing local concerns on drinking water, surface waters, and fish and wildlife habitat.

For TU and all our chapters across the country, disclosure of the components of fracking fluids is a common sense, fundamental step towards sound, responsible management. Regulators, land managers, landowners, and the public have a right to know what chemicals are being used to assist in the extraction of natural gas regardless of the composition or volume. It is important to note that we are not advocating for the exact "recipe", for lack of a better word, of the fracking stimulation fluids but rather the generic names and volumes of chemicals being used.

Our comments to the proposed changes are as follows:

New Rule I: Well Stimulation Activities Covered By Drilling Permit.

(2)(a). TU suggests that notification describing the fracturing treatment must be provided at least one week before commencement of well stimulation activities. Our concern is whether BOGC staff will have sufficient time to address any issues and potentially conduct a field site visit given the current 24-hour proposal. Further, there must be sufficient time given for baseline monitoring. Industry will know well in advance whether they will need to fracture a well or not.

(3)(b). Please consider adding the words "...of the components or chemicals to be used in the fracturing/stimulation process" after "the trade name or generic name."

TU recommends that the Board require storage of hydraulic fracturing fluids to be contained in metal tanks rather than potentially leaky pit liners in areas containing aquifers less than 100 feet in depth or within 300 feet of surface water. Further, the companies must conduct freshwater aquifer tests prior to drilling with the results of the tests filed with the BOGC.

New Rule II. Disclosure of Well Stimulation Fluids.

TU agrees with the Rule II provisions and suggests that under (4)(a), language be included that provides more specific information. We recommend the following:

(4) The administrator may waive all or a portion of (2) or (3) of this rule if: (a) the owner or operator demonstrates that it has provided all of the required information under (2) and (3) to the Interstate Oil and Gas Compact Commission/Groundwater Protection Council (IOGCC) hydraulic fracturing web site. The owner/operator must provide the web link to the Board and the Board must represent that web link on the Montana BOGC website and displayed in a manner that is navigable for the public. This requirement will provide an easier format for the public's view since the IOGCC website has its challenges in accessing information. Disclosure should also include the name, location, and permit number of the well(s). Finally, the BOGC website should be considered the official repository for this information and industry postings only on the IOGCC website or any other location should not be considered adequate. The public must have the ability to look at one central location to find the location of wells and chemicals used in fracking operations.

New Rule III. Proprietary Chemicals and Trade Secrets.

(1) Pursuant to proposed rule III, TU argues that the need for public disclosure and the public's right to know far outweighs industry trade secrets. TU appreciates the protection of trade secrets in the highly competitive oil and gas industry. However, it should be noted that concerned citizens are not looking for the recipe for fracturing, but rather the knowledge of which chemicals are being pumped into the ground to release the oil or gas resource. In support of our recommendation, it should be noted that household products list all chemicals used in the making of those products, yet they do not include the exact recipe for that product. The same should be true for the oil and gas industry. The public has a right to know what is being injected into public and private lands.

(2) We also ask that full disclosure be required to the Board, its staff, and the public *regardless of whether a spill occurs*. Without full disclosure of all chemicals used in hydraulic fracturing, treatment for injuries and/or resolution to potential water well contamination cannot be adequately addressed. Relative to medical emergencies, we applaud the BOGC's proposal to require immediate disclosure of chemical constituents. However, if there is a health emergency and one person is affected, it is irresponsible and burdensome for that health professional to be bound in confidence to the secrecy of dangerous chemicals when others in a community could be at risk as well.

Further, the Board should note that without a full disclosure requirement, industry would most likely claim proprietary ownership over disclosure. This is currently happening in Wyoming, where trade secrecy has become the rule, rather than the exception. A trade secret exemption could render the rule useless should operators choose this route.

Montana should be taking a more proactive approach and thwart any effort from EPA and other federal agencies to comply with potentially stricter standards in the future. Certainly, the BOGC can disclose chemicals without giving away any trade secrets.

New Rule IV. Safety and Well Control Requirements—Hydraulic Fracturing.

TU contends that collecting baseline water quality data prior to any drilling activities is key to understanding potential future contamination. Regular and consistent monitoring of groundwater and surface water that could potentially be impacted by fracking activities should be required for each well that is drilled. Monitoring also requires planning and active communication among regulatory agencies and surface landowners.

Therefore, TU recommends that the developer be responsible for providing notice of fracking activities to private landowners 30 days prior to such activities. Additionally, operators/developers should also provide notice of intent to conduct fracking activity in one or more local newspapers with local circulation. Such notice represents a reasonable minimal effort by the operator and allows private and public landowners as well as interested parties time to consider collecting their own baseline data, independent of data we are asking operators to collect.

Public Comment Process

TU suggests holding an additional hearing in Billings and extending the comment period to accommodate those facing gas development in Sweet Grass and Park Counties. By limiting comment hearings to one hearing in Sydney, it is prohibitive to concerned citizens and landowners in other parts of the state where fracking likely will occur.

In summary, TU appreciates the open discussions that are taking place both in the legislative arena and with the public. We support the BOGC's willingness to address these concerns through the adoption of these new rules. With the expansion of hydraulic fracturing throughout the United States, and most importantly in our own backyards, we clearly have some concerns regarding the safety of the process. We look forward to continuing to provide our thoughts on this important matter.

Sincerely,

Kendall Van Dyk
Energy Coordinator
Trout Unlimited
16 Alderson Avenue
Billings MT 59101
kvandyk@tu.org

Michael Gibson
Outreach Director,
Montana Trout Unlimited
111 N. Higgins #500
Missoula, MT 59802
michael@montanatu.org

Richmond, Tom

From: Deb Fischer [debfisher9@gmail.com]
Sent: Monday, June 20, 2011 8:03 PM
To: DNR FracComments
Subject: Fracture extraction

Dear Sir or Madame,

Fracture mineral extraction is serious for Montana; because of this the public should be heard. Please schedule a hearing in Billings.

--

Deb Fischer
Billings, Montana

O'TOOLE LAW FIRM
Attorneys at Law
209 North Main Street
P.O. Box 529
Plentywood, Montana 59254-0529

RECEIVED

JUN 20 2011

**MONTANA BOARD OF OIL
& GAS CONS. BILLINGS**

Loren J. O'Toole
Loren J. O'Toole II (Larry)
Austin M. Knudsen

(406) 765-1630
Fax (406) 765-2945

June 17, 2011

Mr. Thomas Richmond, Administrator
Montana Board of Oil and Gas Conservation
2535 St. Johns Avenue
Billings, Montana 59102

Dear Mr. Richmond:

As a mineral owner, a royalty owner, and an attorney who practices before the Board representing both landowners and operators, I have reviewed the fracturing rules which the Board has drafted for consideration.

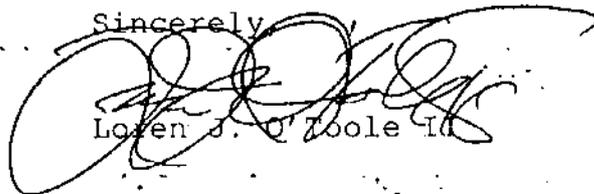
I would like to go on record stating that I am supportive of the Board's work. There are far too many naysayers who are quick to criticize, and many of these opponents know not of what they speak.

There has long been in place rules that require surface casing which protect the fresh water aquifers. The hydraulic fracturing here in this area of Montana is generally aimed at the Bakken formation some 8,000 to 9,000 feet in the ground. No fresh water aquifers are jeopardized.

I will leave it to others to provide constructive critique. I know I speak for myself and many of my clients, both landowners and operators, when I say fracturing is an absolute necessity. Thank you for your efforts to get rules in place which continue to protect our fresh water aquifers while allowing for the continued development of our oil and gas resources.

Thank you for the opportunity to comment.

Sincerely,



Loren J. O'Toole II

LJO:wmh

RECEIVED

JUN 20 2011

MONTANA BOARD OF OIL
& GAS CONS. BILLINGS

June 17, 2011

Attn: Board of Oil and Gas Conservation

Water is our most precious resource. The water supply for our house and stock comes from a spring in a near-by draw that, in drought years, flows one to two quarts a minute, and in a good wet year such as this, it has reached several gallons a minute.

An above ground cistern catches rainwater from my roof – one inch of rain fills the one thousand gallon cistern. I gravity feed it to my vegetable garden. My husband and I landscape with native grasses and plants that rely on rainfall for watering. Some years the lawn is green, other years it cures out early and blends with the amber colored grasses on the hillside.

We know how to conserve water. *We know* where our water originates.
We know our health and that of the animals and environment depends on clean water.

That is why we believe that the chemicals used in fracking that occurs within a one mile radius of any well or spring, should be disclosed in advance by written notification so that the landowner can begin baseline water testing. The chemical information for any fracturing fluids used should be easily accessible by the public on the Board of Oil and Gas' website.

Companies should have to apply to the Board of Oil and Gas and provide written justification available to the public for any trade secret exemptions. Even if the chemical is listed as a trade secret, it still should be disclosed to the Board of Oil and Gas.

Protecting companies' "trade secrets" by exempting them from full disclosure is merely a trade-off that sacrifices Montana's not so secret vital resource, clean water, necessary for agriculture and a healthy environment.

Please adopt rules which provide public access to the chemicals used in fracking.

Thank you.

Sincerely,
Karen Stevenson
P.O. Box 1176
Miles City, MT 59301



RECEIVED

TOWE, BALL, ENRIGHT, MACKEY & SOMMERFELD, P.L.L.C. JUN 20 2011

ATTORNEYS AT LAW
P.O. BOX 30457
BILLINGS, MT 59107-0457

MONTANA BOARD OF OIL
& GAS CONS. BILLINGS

THOMAS E. TOWE
COURT E. BALL
NEIL D. ENRIGHT
STEPHEN C. MACKEY
DONALD D. SOMMERFELD
JEFF A. TURNER

TELEPHONE: (406) 248-7337
FAX: (406) 248-2647

2525 Sixth Avenue North
Billings, MT 59101

June 17, 2011

Board of Oil & Gas Conservation
2535 St. John's Avenue
Billings, MT 59102

Dear Friends:

Please add my comments to those supporting full disclosure of any chemicals used for fracturing.

Full disclosure of what goes into a person's land should be obvious. No one wants secret chemicals injected into their land. A landowner should know what the real hazardous implications may be with regard to anything that happens on or in his land. This is not even a close question.

Any concern for enforcing trade secrets or proprietary information must yield to an individual's right to know what is going into their property and how it is being used. This is particularly true if there is real danger to their water wells and other aspects of their property. If an oil and gas company wants to keep the chemicals used in their hydraulic fracturing secret, they don't have to use it in the objecting landowner's property. Full disclosure should be the price a company must pay to inject chemicals into someone else's land without that person's consent.

Sincerely,
TOWE, BALL, ENRIGHT, MACKEY
& SOMMERFELD, PLLP

By 
Thomas E. Towe

TET/ajb

Richmond, Tom

From: Patricia Espenscheid [taxi1942@yahoo.com]
Sent: Tuesday, June 21, 2011 5:38 AM
To: DNR FracComments
Subject: Fracking rules

It is imperative that all substances used in the fracking process be disclosed in advance. Utter transparency is absolutely necessary to protect our health and the environment. Also, a 10 "prior notice" for drilling activities should be mandatory-not 24 hours which is impossible to adequately give public notice. Montana belongs to the citizens not the gas and oil companies. Stand up for our rights. Patricia Espenscheid

Richmond, Tom

From: Judith Fraser [jfraser@cybernet1.com]
Sent: Tuesday, June 21, 2011 8:22 AM
To: DNR FracComments
Subject: ATTN: BOGC RE: Fracking Chemicals

ATTN: Board of Oil and Gas Conservation

More and more disturbing reports of the effects of fracking on underground water are surfacing. Winding up with contaminated water is one devastating result of improper fracking procedures. Hearings need to be held in Billings so that people in surrounding areas are able to express their concerns.

People with wells in the vicinity of fracking need protection from contamination. They need to receive information about the chemicals used for fracking. This notification needs to be given in advance of any activity so that baseline studies of their water can be conducted.

Land owners within 2 miles of any fracking activity need to be contacted in advance of fracking activities with accurate information about the potential chemicals that might be used in the process.

Thank you for your consideration.

Judith Fraser
338 Cooper Lane
Hamilton, MT. 59840

Richmond, Tom

From: Therese Tucker [theresetucker2002@yahoo.com]
Sent: Tuesday, June 21, 2011 8:59 AM
To: DNR FracComments
Subject: Fracking Fluid Disclosure

Dear Board of Oil and Gas Conservation,

Please include an additional hearing in Billings so that people affected by gas development and fracking can be heard.

-- The chemical information for any fracturing fluids used needs to be easily accessible by the public in a common area such as the Board of Oil and Gas Conservation website.

-- These chemicals need to be disclosed in advance in order for landowners in areas such as Sweet Grass County to begin baseline water testing. All landowners with water wells and springs within a 1-mile radius of the proposed well to be fracked must receive written notification of the planned chemicals to be used.

-- If the state Board of Oil and Gas Conservation decides it needs to be in the business of enforcing trade secrets over protecting water resources, then companies should at least have to apply to the BOGC and actively provide a reason for any trade secret exemptions. Even if the chemical is listed as a trade secret, it still must be disclosed with the Board of Oil and Gas Conservation.

Thank you,

Therese Tucker

Helena, MT

Richmond, Tom

From: Lisa_Winn@xtoenergy.com
Sent: Tuesday, June 21, 2011 9:39 AM
To: DNR FracComments
Cc: randy.t.smith@exxonmobil.com; Lindsey_Dingmore@xtoenergy.com;
andrew.c.knapp@exxonmobil.com; michael.e.parker@exxonmobil.com
Subject: Comments on Proposed Hydraulic Fracturing Rule
Attachments: MT Proposed Frac Rule_XTOComments.pdf

Mr. Richmond:

Please accept the comments and suggestions by XTO Energy (attached) to the proposed new rules addressing hydraulic fracturing.

Best Regards,

Lisa Winn



June 15, 2011

Mr. Tom Richmond
Montana Department of Natural Resources
2535 St. Johns Ave.
Billings, MT 59102

Submitted via e-mail

RE: New Rules I through V Regarding Oil and Gas Well Stimulation

Dear Mr. Richmond:

XTO Energy Inc. (XTO), a subsidiary of ExxonMobil Corporation, appreciates the opportunity to submit comments on the proposed rules that address hydraulic fracturing of oil and gas wells in Montana. XTO wishes to express both support and concern for the rule as proposed.

We support full disclosure of the materials (with protection of intellectual property rights) used in well stimulation processes. XTO Energy and Exxon Mobil are supportive of the efforts by the Interstate Oil and Gas Compact Commission and Groundwater Protection Council in development of the FracFocus.org registry. Both companies are currently entering information for all wells completed since January 1, 2011 and will maintain a complete inventory going forward.

We appreciate consideration of this registry in developing rules for Montana and recognizing that a single, comprehensive data center will be the most effective and provide consistency across the country.

Our concern, however, relates to the proposed permitting requirements for well completions as described in New Rule I. Our concern lies fully in the lack of flexibility and logistical constraints associated with submitting detailed descriptions of the proposed well stimulation at the APD stage. Please consider:

- Permitting well completions during the APD phase, implies an approval or disapproval could be rendered in the permitting process.
- Permitting at the required level of specificity eliminates flexibility when full information is not known. Because exact fracture fluid formulas are often not known until drilling and formation evaluation is completed, we would not want to be locked in to a particular formula at the permit stage.

- We simply may not have the information to disclose during the APD phase. Some of the most basic information may still be unknown to us. Often we don't know the exact length of the well or spacing of the stages, we would be estimating most of the basic data.

Oftentimes, we do not know which service company will conduct the stimulation at the permitting stage, and each service company has their own "frac formulas". XTO requests that language be added to the proposed rule that would recognize changes could occur prior to the treatment, and would not trigger submittal of a new application or a new permit review.

XTO proposes the permitting requirements for a proposed well stimulation in New Rule I (3) be limited to a pre-filed generic design. XTO recommends:

- Filing a notice of intent that the well is expected to be hydraulically fractured.
- Design specifications that provide the confidence that the well be properly constructed and demonstrate sufficient integrity to prevent a possibility of contamination of fresh water zones.
- Submit the casing programs, which are already, part of the drilling permit, and one of the more important requirements.
- Disclosure of a generic frac formula to the extent such information is known (e.g., based upon prior fracs in the area), but as pre-drilling notification rather than a condition of permit.

Again, thank you for the opportunity submit comments on this important rule making and we appreciate consideration of our concerns.

Sincerely,



Lisa Winn
Manager of Governmental Affairs - Rockies

Cc: Mr. Dave Galt,
Montana Petroleum Association

Richmond, Tom

From: Kathleen McKeown [kathleenmckeown@hotmail.com]
Sent: Tuesday, June 21, 2011 9:54 AM
To: DNR FracComments
Subject: fracking fluid dangers

To whom it may concern:

I am very concerned about the dangers of fracking fluid. These chemicals need to be disclosed in advance in order for residents to begin water testing. Clean water is essential to our health and at the very least, residents must be forewarned that these potentially incredibly hazardous fluids are threatening their water supply so that they can take action to protect themselves and their families. Please ensure that this basic need for local landowners is met.

Sincerely.

Katie McKeown
422 Hayes Ave
Helena, MT 59601

Richmond, Tom

From: Starshine [dr.starshine@gmail.com]
Sent: Tuesday, June 21, 2011 12:08 PM
To: DNR FracComments
Subject: Fracking compounds

Your decision must be between oil and health. I hope you decide that health is vastly more important and needs all your skill in protection. Fracking compounds do get into water and do cause cancer.

Starshine in Great Falls

--

It does not matter how slowly you go so long as you do not stop. Confucius

Richmond, Tom

From: BISON1BOB@aol.com
Sent: Tuesday, June 21, 2011 12:43 PM
To: DNR FracComments
Cc: bison1bob@aol.com
Subject: Fracking

I am strongly opposed to fracking without specific knowledge of the composition of chemicals introduced, effect on aquifers, and harmful environmental effects.

Please do not rush into this potentially harmful process until it is unequivocally proven to be safe for present and future generations.

Bob Johnston
PO Box 1126
Cooke City, MT 59020

Richmond, Tom

From: Derf Johnson [djohnson@meic.org]
Sent: Tuesday, June 21, 2011 1:06 PM
To: DNR FracComments
Subject: MEIC Comments on Fracking Disclosure Rules
Attachments: Fracking Comments.pdf

Attached please find a .pdf file containing MEIC's comments on the draft rules concerning fracking fluid disclosure. If you have any questions, please don't hesitate to contact me with the info below.

Derf Johnson

Derf Johnson
Legislative Assistant
Montana Environmental Information Center
P.O. Box 1184
Helena, MT 59624
office: (406) 443-2520, Ext. 13
cell: (406) 581-4634
fax: (406) 443-2507
djohnson@meic.org
<http://www.meic.org>

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June 21, 2011

Tom Richmond, Administrator
Montana Board of Oil and Gas Conservation
2535 St. Johns Avenue
Billings, MT 59102

RE: Comments on the adoption of New Rules I through
V regarding oil and gas well stimulation

On behalf of Montana Environmental Information Center (“MEIC”), I submit these comments on New Rules I through V regarding oil and gas well stimulation currently being considered by the Montana Board of Oil and Gas Conservation (MBOGC).

We have reviewed the currently proposed New Rules, and do not believe that they adequately guarantee public disclosure and do not sufficiently address concerns raised by adjacent landowners. For the reasons set forth below, MEIC respectfully requests changes to the New Rules. MEIC further requests that the revised rules be circulated for public review and comment.

I. The current New Rule proposals do not provide adequate disclosure to the public.

The New Rules do not include a simple, online database which is available for the public to review chemicals used in fracking. See New Rule I, Section (2)(a) and New Rule II, Section (1)(a)-(c). As drafted, the rules require that the MBOGC act as a central repository for the chemicals used in the fracking process. However, the rules are deficient in making this information readily available to the public. The rules do not require that the information be available in electronic format, but rather that the owner of a well simply provide “the written information describing the fracturing, acidizing, or other chemical treatment . . . at least 24 hours before commencement of well stimulation activities.” Aside from the extremely short time-frame for industry to provide the documents, this renders public disclosure difficult and possibly ineffective, especially for concerned citizens who are not within a reasonable travel distance of the MBOGC office in Billings.

MEIC recommends that the MBOGC amend the New Rules to provide the public with readily available electronic access to well fracking activities by requiring that the information be posted on the MBOGC website in an easily identifiable and catalogued format.

The New Rules allow unnecessary exemptions for industry if they post the information on a website or other Internet information repositories that can be accessed by the public. See New Rule II, Section (4). As drafted, the rules allow for a confusing and unnecessary assortment of places where industry may make information available. These exemptions for industry again create a difficulty in the public accessing information on well fracking in an easily accessible, single, and comprehensive source. The rules should require a single, central repository for fracking fluid information, and the MBOGC website would serve such a purpose. MEIC again recommends that the MBOGC amend the New Rules to provide that all fracking information should be received by the MBOGC and made electronically available on a section of the MBOGC website.

The New Rules are insufficient in guaranteeing adequate public disclosure because of “trade secret” exemptions. See New Rule III, Section 1. As drafted the rules provide a sweeping exemption for industry in claiming chemical information a “trade secret.” The New Rules are extremely insufficient in that an “owner, operator, or service contractor” may simply identify a chemical composition as a “trade secret,” and be exempt from public disclosure. This “self-fulfilling” exemption creates a situation in which industry may simply operate under the veil of “trade secret” exemptions and be entirely void from public review as to the chemical contents of the fracking fluid. The New Rules do not even require that industry provide a reasoning or justification for such an exemption. In effect, this renders the disclosure rules voluntary.

The MBOGC should amend the New Rules to require that all fracking chemical information must be provided to the MBOGC. In the event that an entity would like to claim a “trade secret” exemption, the New Rules should be amended to require that the entity submit an application to the MBOGC specifying the reasons and purpose for the claimed exemption. The MBOGC should be charged with reviewing trade secret exemptions, and should only grant such exemptions in rare circumstances in which industry has provided strong reasoning as to the exemption and public health and the environment will not be compromised. In the event an entity receives a trade secret exemption, all chemical information would still be disclosed to the MBOGC, but not the public

II. The current New Rules do not mandate advanced notification for landowners with property adjacent to wells that are proposed to be fracked.

Advanced notice is essential to protecting property owners and water quality. Without advanced notice of fracking activity, landowners will be hindered or entirely prevented from testing their baseline water quality data. Adjacent landowners should have the opportunity to test the quality of their water source before any fracking activity occurs. Without baseline data, it will be difficult for landowners to show whether adjacent fracking activities have contaminated their water source.

MEIC recommends that the MBOGC amend the New Rules to require that a well operator be required to notify adjacent landowners (within one mile of the proposed well to be fracked) at least one month in advance. This will provide adjacent landowners with a reasonable time in which to prepare baseline water quality testing before fracking occurs.

To conclude, MEIC respectfully requests that the MBOGC revise the current New Rules to include the above amendments. We believe that these amendments will improve the public’s access to essential information regarding fracking activities, and will not result in any hardship on industry. We also request that the amended rules be available for further public comment.

Thank you for the opportunity to comment.

Sincerely,

Derf Johnson
Program Assistant
Montana Environmental Information Center
107 W. Lawrence St., Suite N-6
Helena, MT 59624
(406) 443-2520

Richmond, Tom

From: Christine O'Connor [oconnorc@gvsu.edu]
Sent: Tuesday, June 21, 2011 1:07 PM
To: DNR FracComments
Subject: Comments on the new rules

Please consider the following regarding the proposed new rules regarding hydraulic fracturing for coal bed methane extraction.

First: Land owners adjacent to a proposed drilling site should be given notification a reasonable time prior to the onset of drilling.

This will give land owners an opportunity to have their water or wells tested and thus provide a base line as to their water's quality prior to drilling.

Secondly: The rules for disclosure of compounds in the drilling fluid are not sufficient to protect the public. Under the proposed rules an operator has simply to claim the compounds are "trade secrets" to keep them under wraps except under the complex conditions of Rule 3. It is hard to believe that the compounds give a significant competitive edge to an operator, and seems much more likely that the "trade secret" exception is simply a way for operators to keep the public in the dark. The chemicals used should be made public.

Montana is in a position to regulate hydraulic fractioning in a manner that will allow the industry to profit, provide fuel for the nation, AND protect the public; but the currently proposed new rules do not do enough to protect adjacent land owners, our water table, and the general public. If the industry is to thrive, it needs public support but that will not be forth coming unless the industry is more transparent about its operations.

Thank you for your consideration,

Chris O'Connor

1413 Ash Drive
Bozeman, MT

Grand Valley State University is celebrating its 50th anniversary of Shaping Lives.

Richmond, Tom

From: Marcia Woolman [mwoolman@crosslink.net]
Sent: Tuesday, June 21, 2011 3:46 PM
To: DNR FracComments
Subject: Comment

After reading the rules, I think that there needs to be more transparency. Every chemical that goes into the ground needs to be listed. "Secret" is ridiculous when it can only be tested if we know what we are testing for. Other companies already know all the chemicals. There are no secrets. Let's be honest and allow the American people their rights to a comprehensive list of fracking chemicals. It is a matter of public safety which should out weigh a compnay's right to keep secrets. Marcia Woolman, PO Box 12 48, Cooke City, MT 59020

Richmond, Tom

From: Larry Miley [HAVREMILEY@HOTMAIL.COM]
Sent: Tuesday, June 21, 2011 3:53 PM
To: DNR FracComments
Subject: Protect public health, land and water

Dear Mr. Richmond

Montana needs full disclosure of the chemicals used in oil and gas drilling, particularly for hydraulic fracturing.

I urge the Board of Oil and Gas to do the right thing and modify their proposed rules to protect public health and our land and water. The BOGC has a duty to protect the citizens of Montana and these rules as currently written only protect industry.

Also, in order to hear perspectives from around the state, an additional public hearing should held in Billings.

Sincerely,

Larry Miley
1335 Monroe Ave
Havre, MT 59501

Richmond, Tom

From: Jim Davis [bnbadenuf22@bresnan.net]
Sent: Tuesday, June 21, 2011 4:14 PM
To: DNR FracComments
Subject: Protect public health, land and water

Dear Mr. Richmond

Montana needs full disclosure of the chemicals used in oil and gas drilling, particularly for hydraulic fracturing.

I urge the Board of Oil and Gas to do the right thing and modify their proposed rules to protect public health and our land and water. The BOGC has a duty to protect the citizens of Montana and these rules as currently written only protect industry.

Also, in order to hear perspectives from around the state, an additional public hearing should held in Billings.

Sincerely,

Jim Davis
2004 Phoebe Drive
Billings, MT 59105

Richmond, Tom

From: Kevin Dowling [kpdowling@yahoo.com]
Sent: Tuesday, June 21, 2011 4:21 PM
To: DNR FracComments
Subject: Protect public health, land and water

Dear Mr. Richmond

Montana needs full disclosure of the chemicals used in oil and gas drilling, particularly for hydraulic fracturing.

I urge the Board of Oil and Gas to do the right thing and modify their proposed rules to protect public health and our land and water. The BOGC has a duty to protect the citizens of Montana and these rules as currently written only protect industry.

Also, in order to hear perspectives from around the state, an additional public hearing should held in Billings.

Sincerely,

Kevin Dowling
1825 10th Street West
Billings, MT 59102

Richmond, Tom

From: Joe Splinter [willworkforpeace@gmail.com]
Sent: Tuesday, June 21, 2011 4:33 PM
To: DNR FracComments
Subject: Protect public health, land and water

Dear Mr. Richmond

Montana needs full disclosure of the chemicals used in oil and gas drilling, particularly for hydraulic fracturing.

I urge the Board of Oil and Gas to do the right thing and modify their proposed rules to protect public health and our land and water. The BOGC has a duty to protect the citizens of Montana and these rules as currently written only protect industry.

Also, in order to hear perspectives from around the state, an additional public hearing should held in Billings.

Sincerely,

Joe Splinter
937 N. 24th St.
Billings, MT 59101

Joe Splinter
937 N. 24th Street
Billings, MT 59101

Richmond, Tom

From: Heather Ristow [ristowh@gmail.com]
Sent: Tuesday, June 21, 2011 4:33 PM
To: DNR FracComments
Subject: Protect public health, land and water

Dear Mr. Richmond

Montana needs full disclosure of the chemicals used in oil and gas drilling, particularly for hydraulic fracturing.

I urge the Board of Oil and Gas to do the right thing and modify their proposed rules to protect public health and our land and water. The BOGC has a duty to protect the citizens of Montana and these rules as currently written only protect industry.

Also, in order to hear perspectives from around the state, an additional public hearing should held in Billings.

Sincerely,

Heather Ristow
939 1/2 N. 24th Street
Billings, MT 59101

Richmond, Tom

From: Marty or Vonnie GLYNN [mvglynn@msn.com]
Sent: Tuesday, June 21, 2011 4:45 PM
To: DNR FracComments
Subject: full disclosure needed for hydraulic fracturing

Montana needs full disclosure of the chemicals used in oil and gas drilling, particularly for hydraulic fracturing.

I urge the Board of Oil and Gas to do the right thing and modify their proposed rules to protect public health and our land and water. The BOGC has a duty to protect the citizens of Montana and these rules as currently written only protect industry.

Also, in order to hear perspectives from around the state, an additional public hearing should held in Billings.

Sincerely,

Martin Glynn
417 W. Spring Creek Dr.
Bozeman, MT 59715

Richmond, Tom

From: mary fairall [fairfrench1@comcast.net]
Sent: Tuesday, June 21, 2011 4:52 PM
To: DNR FracComments
Subject: comments re: fracking

Attn: BOGC:

I am writing to you to urge you to further consider listening to the public who are very concerned about the potential hazards from hydrolic fracking by the oil and gas industry. The public has a right to know what is being put into the ground and possibly contaminating well water. Protecting trade secrets does not weigh equally in my mind with protecting our environment and public safety. Please consider all these points below and allow land owners additional time to respond to this discussion.

Sincerely,
Mary C. Fairall

Richmond, Tom

From: Kate French [caradebatea@gmail.com]
Sent: Tuesday, June 21, 2011 5:42 PM
To: DNR FracComments
Subject: Protect public health, land and water

Dear Mr. Richmond

Montana needs full disclosure of the chemicals used in oil and gas drilling, particularly for hydraulic fracturing.

I urge the Board of Oil and Gas to do the right thing and modify their proposed rules to protect public health and our land and water. The BOGC has a duty to protect the citizens of Montana and these rules as currently written only protect industry.

Also, in order to hear perspectives from around the state, an additional public hearing should held in Billings.

Sincerely,

Kate French

Kate French
710 Hinsdale
Helena, MT 59601

Richmond, Tom

From: Linda Picchioni [CCHIO@MIDDRIVERS.COM]
Sent: Tuesday, June 21, 2011 6:02 PM
To: DNR FracComments
Subject: Protect public health, land and water

Dear Mr. Richmond

I urge the Montana Board of Oil and Gas to finish debating draft rules on fracking fluids in oil and gas drillings. The rules in place are sufficient to insure the safety of Montana residents.

No further hearings are necessary.

Let's drill!

linda picchioni

Linda Picchioni
1202 2nd St E
Roundup, MT 59072

Richmond, Tom

From: Kathie Daviau [daviaus@bresnan.net]
Sent: Tuesday, June 21, 2011 6:08 PM
To: DNR FracComments
Subject: Protect public health, land and water

Dear Mr. Richmond

Montana needs full disclosure of the chemicals used in oil and gas drilling, particularly for hydraulic fracturing.

I urge the Board of Oil and Gas to do the right thing and modify their proposed rules to protect public health and our land and water. The BOGC has a duty to protect the citizens of Montana and these rules as currently written only protect industry.

Also, in order to hear perspectives from around the state, an additional public hearing should held in Billings.

Sincerely,

Kathie Daviau
216 Lexington
Billings, MT 59102

Richmond, Tom

From: Peter Fox [colfox@tds.net]
Sent: Tuesday, June 21, 2011 6:40 PM
To: DNR FracComments
Subject: Comment on new rules for oil, gas well stimulation
Attachments: Peter Fox_New Rules I through V regarding oil and gas well stimulation_6-21-2011.pdf;
ATT00001.txt

Please accept the attached comments.

Peter D. Fox

157 Falls Creek Road
Livingston, MT 59047
June 21, 2011

Mr. Tom Richmond
Department of Natural Resources and Conservation
2535 St. Johns Avenue
Billings, MT 59102

Via e-mail to: FracComments@mt.gov

Please accept these comments regarding the adoption of New Rules I through V regarding oil and gas well stimulation as noticed in MAR Notice No. 36-22-157. I will directly address the proposed rules and wish to make an additional comment at the end of my this communication.

New Rule 1: I support the rule as written.

New Rule 2: I do not support the inclusion of Paragraph (4) and the subparagraphs (a) and (b). In the interests of the most complete public access to pertinent information, there should be no waiver provision. Additionally, a Montana state government Web site (preferably maintained by the Montana Department of Natural Resources and Conservation) should be the primary site for Montanans to access Montana-specific information. While the sites maintained by the Interstate Oil and Gas Compact Commission/Groundwater Protection Council are significant, a Montana state government site should be the primary repository.

New Rule 3: I object to this rule in its entirety. There should be no trade secret provision. However, it would be marginally acceptable to require disclosure of a specific chemical presence but allow the withholding of the exact percentage of content within the total hydraulic fracturing fluid volume.

The requirement for a health professional to agree to a non-disclosure provision is, in my mind, unethical and morally repugnant. I also believe an unintended consequence of this provision may be to invite legal challenges and subsequent costs to be imposed on Montana state government.

To put the non-disclosure provision in another context, if a citizen group or municipality is interested in monitoring its water sources for safety reasons, keeping the identity of a particular chemical(s) would completely thwart this public health safeguard because the community would not know for which specific chemical(s) to test.

New Rules 4 and 5: I support all efforts by DNRC to ensure the integrity of well casings.

As an additional comment, I urge that consideration be made in future rule-making to require or otherwise encourage closed-system drilling methods as means of protecting surface environments, protecting aquifers and conserving water resources required in hydraulic fracturing. The industry itself is embracing this technique.

Comments regarding New Rules I through V regarding oil and gas well stimulation
June 21, 2011
Page 2

Finally, I urge that consideration be made in future rule-making to establish bonding requirements commensurate to responding to and mitigating the long-term potential environmental and public-health damage that might occur within hydraulic fracturing processes. Current public protections in this regard – as Montana history amply and sadly demonstrates – are inadequate and ineffective.

Thank you for considering my comments.

Sincerely,

A handwritten signature in black ink, appearing to read "Peter D. Fox". The signature is written in a cursive, somewhat stylized font.

Peter D. Fox

Richmond, Tom

From: Claire Coleman [cjcoleman1@bresnan.net]
Sent: Tuesday, June 21, 2011 6:39 PM
To: DNR FracComments
Subject: Protect public health, land and water

Dear Mr. Richmond

Montana needs full disclosure of the chemicals used in oil and gas drilling, particularly for hydraulic fracturing.

I urge the Board of Oil and Gas to do the right thing and modify their proposed rules to protect public health and our land and water. The BOGC has a duty to protect the citizens of Montana and these rules as currently written only protect industry.

Also, in order to hear perspectives from around the state, an additional public hearing should held in Billings.

Sincerely,

Claire Coleman
1302 24th Street West #207
Billings, MT 59102

Richmond, Tom

From: Nancy Carrel [jncarrel@rangeweb.net]
Sent: Tuesday, June 21, 2011 6:43 PM
To: DNR FracComments
Subject: Concerned Citizen Comments

Why is it a requirement that processed foods have all ingredients listed? It is to protect the consumer, and to make clear to us just what we are eating. Ingredients are not "trade secrets", and there is still plenty of competition in the food industry.

It should be a requirement that fracking chemicals are made public, because it appears that they are profoundly affecting our ground water. If they are harmless, why is industry so reluctant to disclose them? Calling the lack of cooperation and disclosure a "trade secret" is absolutely ridiculous. Surely there is plenty of competition in the gas industry. "Trade secrets" should not be allowed when people's health and safety are at stake.

Nancy Carrel

Richmond, Tom

From: James Blinn [MONTANAJIMB@HOTMAIL.COM]
Sent: Tuesday, June 21, 2011 7:14 PM
To: DNR FracComments
Subject: Protect public health, land and water

Dear Mr. Richmond

Montana needs full disclosure of the chemicals used in oil and gas drilling, particularly for hydraulic fracturing.

I urge the Board of Oil and Gas to do the right thing and modify their proposed rules to protect public health and our land and water. The BOGC has a duty to protect the citizens of Montana and these rules as currently written only protect industry.

Also, in order to hear perspectives from around the state, an additional public hearing should held in Billings.

Sincerely,

James Blinn
209 Golf Course Rd
Laurel, MT 59044

Richmond, Tom

From: Blaine Jensen [b.squires@hotmail.com]
Sent: Tuesday, June 21, 2011 8:46 PM
To: DNR FracComments
Subject: Hydraulic fracturing

Good day,

Having recently watched the documentary film, *Gasland*, I would like to offer my opinion about hydraulic fracturing in Montana.

The chemical information for any fracturing fluids used needs to be easily accessible by the public in a common area such as the Board of Oil and Gas Conservation website.

These chemicals need to be disclosed in advance in order for landowners in areas such as Sweet Grass County to begin baseline water testing. All landowners with water wells and springs within a 1-mile radius of the proposed well to be fracked must receive written notification of the planned chemicals to be used.

If the state Board of Oil and Gas Conservation decides it needs to be in the business of enforcing trade secrets over protecting water resources, then companies should at least have to apply to the BOGC and actively provide a reason for any trade secret exemptions. Even if the chemical is listed as a trade secret, it still must be disclosed to the BOGC.

I prefer that we not allow ANY fracking in Montana. The oil and gas industry have been polluting our air and water around the U.S. with what amounts to an unregulated toxic juggernaut made up of hundreds of thousands of small wells. We are lucky to have a relatively unspoiled land and watersheds. This process will destroy our state's air and water as it has in Sublette County, Wyoming, where winter time ozone levels in that rural county exceed the worst days in Los Angeles.

Please stand up for Montana's citizens. Please reject the power and influence of the robber barons that seek short term gain against our future.

Thanks and best regards,

Blaine Jensen
PO Box 3032
Billings, MT 59103
b.squires@hotmail.com

Richmond, Tom

From: Monica Abbott [MONICA53M@MSN.COM]
Sent: Tuesday, June 21, 2011 9:14 PM
To: DNR FracComments
Subject: Protect public health, land and water

Dear Mr. Richmond

Montana needs full disclosure of the chemicals used in oil and gas drilling, particularly for hydraulic fracturing.

I urge the Board of Oil and Gas to do the right thing and modify their proposed rules to protect public health and our land and water. The BOGC has a duty to protect the citizens of Montana and these rules as currently written only protect industry.

Also, in order to hear perspectives from around the state, an additional public hearing should held in Billings.

Sincerely,

Monica Abbott
1390 Ponderosa Rd
Helena, MT 59602

Richmond, Tom

From: Mark Fix [mfix@rangeweb.net]
Sent: Tuesday, June 21, 2011 10:07 PM
To: DNR FracComments
Subject: Fracturing Chemicals

Dear Board of Oil and Gas,

I would like to comment on the rulemaking you have regarding disclosure of the chemicals used for fracturing wells. It is only common sense to make the chemicals involved with this process open to the public. Public health is at risk. The chemicals are dangerous if they get into the drinking water aquifers. The pressures used for fracturing are extremely high and the drillers cannot always foresee what will happen with the process. If the chemicals are not toxic, then the industry should have no problem releasing them to the public. This process is being pushed very rapidly and I feel that the Board should have another hearing in a more centralized location, such as Billings. The advent of horizontal drilling will expose the developed area to a wider area and allow the chemicals to get into more drinking water aquifers. We need to protect the drinking water aquifers.

Thank you for allowing me to comment.

Mark Fix
1198 Tongue River Road
Miles City MT 59301

406-421-5460
mfix@rangeweb.net

Richmond, Tom

From: Ed Gulick [edgulick47@alum.pomona.edu]
Sent: Tuesday, June 21, 2011 10:20 PM
To: DNR FracComments
Subject: Protect public health, land and water

Dear Mr. Richmond

Montana needs full disclosure of the chemicals used in oil and gas drilling, particularly for hydraulic fracturing.

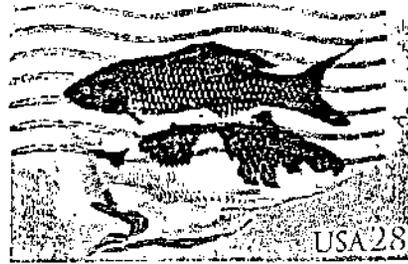
I urge the Board of Oil and Gas to do the right thing and modify their proposed rules to protect public health and our land and water. The BOGC has a duty to protect the citizens of Montana and these rules as currently written only protect industry.

Also, in order to hear perspectives from around the state, an additional public hearing should held in Billings.

Sincerely,

Ed Gulick
3015 10th Avenue N
Billings, MT 59101

C. Helway
6398 Highway 12 W,
59601



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JUN 21 2011

MONTANA BOARD OF OIL
& GAS CONS. BILLINGS

Board of Oil/Gas Conservation
2535 Johns Ave.
Billings, MT 59102



Dear Sirs:

Please discontinue the Friggin Fracking
to the water table

Thanks,

Curt Helway

BOARD OF OIL & GAS CONSERVATION 6/17/11

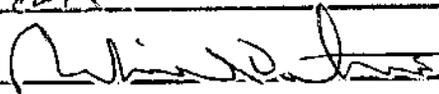
2535 ST. Johns Ave.

Billings, MT 59102

Please insure our clean air
and water stays that way and
adopt rules that allow the
public to know what is

FRACKING FLUID, so we can
continue responsible development,
avoid litigation, etc.

Landowners adjacent to
oil & gas development need
to be informed about fracking
fluid ingredients.


Richard Liebert

Eden RR

Great Falls, MT 59405

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& GAS CONSERVATION BILLINGS

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JUN 21 2011

MONTANA BOARD OF OIL
& GAS CONS. BILLINGS

P.O. Box 352
Cascade, MT 59421

June 16, 2011

Board of Oil and Gas Conservation
2535 St. Johns Avenue
Billings, MT 59102

RE: Comment on proposed fracking rules.

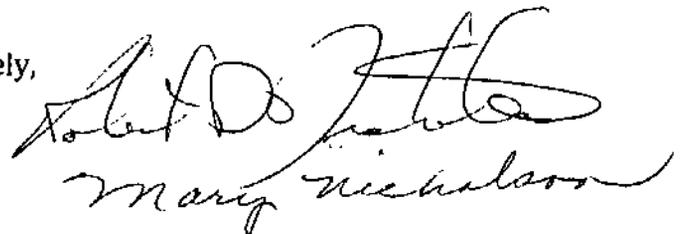
To who it may concern:

The two Bills introduced in the legislature, that would have required public disclosure concerning the use of toxic "fracking" fluids were defeated in committee. The bills would have required adjacent landowners to be notified of the fluids used to fracture oil and gas seams. These fluids often contain toxic chemicals and are known to have contaminated underwater aquifers and wells. Some homeowners water taps, in some areas, "literally spout flames".

We would hope that the Board of Oil and Gas adopt rules which provide readily available public access to the toxic chemical used in fracking. Montana's water quality depends on it. No exemptions should be allowed!!

Thank you for your consideration.

Sincerely,

Handwritten signature of Robert and Mary Nicholson in cursive script.

Robert and Mary Nicholson

Sally Owen-Still
Thomas R. Still
P.O. Box 108
Big Timber, MT 59011

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JUN 21 2011

MONTANA BOARD OF OIL
& GAS CONS BILLINGS

June 20, 2011

Board of Oil and Gas Conservation
2535 St. Johns Avenue
Billings, MT 59102

Dear Members of the Board,

It is very distressing to believe that the members of the Board have aligned themselves with the extraction industry in a way that threatens the safety of Montana's citizens. There is plenty of evidence that fracking fluids are potentially dangerous to water supplies and public health.

Yes, we all enjoy the energy, money, and jobs ^{that} come to Montana when our natural resources are collected. But, our state's pollution and super fund sites demonstrate that we have often allowed extractors to do their business irresponsibly. Please don't repeat the poor decisions of the past.

- The contents of fracturing fluids must be easily accessible to the public.
- So-called "trade-secret" formulas must be on file with the Board and available to the public as needed.
- Require that we be notified in advance of fracking so we can pre-test our wells and springs.
- Medical personnel need to know what chemicals their patients have been exposed to.

Please do not wait until an unfortunate fracking accident occurs to protect the health and safety of our citizens.

Energy companies will come to Montana as they have always done because we have the raw materials they need. Let's let them know how much we value the health and well-being of our citizens and require them to be good corporate neighbors.

Sincerely yours,

Sally Owen-Still

Sally Owen-Still

Tom Still
Tom Still

*P.S. How about scheduling
a public meeting
in Billings?*



DR. CHERYL REICHERT M.D., PH.D.

Pathologist • 51 Prospect Drive

Great Falls, MT 59405

Home Phone (406) 727-1964

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JUN 21 2011

**MONTANA BOARD OF OIL
& GAS CONS. BILLINGS**

June 20, 2011

Board of Oil & Gas Conservation
2535 St. Johns Avenue
Billings, MT 59102

re: fracking fluids

To whom it may concern:

As a physician and as a biochemist, I urge you to adopt rules that protect public health and preserve clean water.

The chemicals that are being used in the fracking process need to be disclosed in advance to landowners, and companies should be required to post bonds that adequately compensate landowners for damages that may occur.

Thank you for considering my opinion.

Sincerely yours,

Cheryl M. Reichert, M.D., Ph.D.
406-727-1964

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**Robert A. Schalla
P.O. Box 1473
Billings, MT 59103**

June 21, 2011

Mr. Thomas Richmond, Administrator
Montana Board of Oil and Gas Conservation
2535 St. Johns Avenue
Billings, MT 59102

Dear Mr. Richmond:

I am writing to express my total opposition to any new State regulations regarding hydraulic fracturing. In my view this entire issue is a fraud and an attempt to regulate and control a necessary and fundamentally safe industrial activity.

From a geological-engineering standpoint the notion that hydraulic fracturing presents a large enough environmental risk to require specific State regulation is absurd. The proposed regulations serve only to burden State and corporate employees with additional paperwork while allowing agenda-driven groups or individuals to thwart economic activity without reasonable justification.

I recognize that industrial accidents related to hydraulic fracturing do and will occur. However, the historical record since the late 1940s reveals these accidents to be extremely rare. This is because it is in the best financial interest of the operating company to conduct well stimulation activities in a safe and prudent manner. There is little chance that increasing the number of regulations and required paperwork will have any impact at all on the occurrence of future accidents. It is certain however, that the cost of doing business in Montana will go up and therefore these new regulations will benefit no one.

To put all of this in perspective, perhaps the State should also consider requiring all aircraft flight plans be published in advance. It is well established that airplanes sometimes fall from the sky. Because of this, the presence of aircraft over populated areas could be perceived as an unreasonable endangerment of innocents on the ground. New regulations could require that after a thorough review by State officials the public would be notified 24 hours in advance and be allowed to protest any proposed flight plan if they believed they were being unreasonably endangered. Total disclosure of the manifest on board each aircraft would also be required in advance of every flight. The manifest list would have to include every chemical on board the aircraft no matter how infinitesimally small and regardless of what these materials are to be used for or whether their composition is considered proprietary by their manufacturer.

Please reconsider imposing any of your proposed regulations, there is certain absurdity in attempting to create a risk-free world.

Thank you for the opportunity to offer comment.

Sincerely,

A handwritten signature in black ink, appearing to read "Robert A. Schalla". The signature is fluid and cursive, with a prominent initial "R" and "S".

Robert A. Schalla
Registered Professional Geologist

Fracking disclosure talking points

Owners whose wells have been ruined by fracking (and who have been unable to prove it because of secrecy surrounding these chemicals) would, of course, argue for full public disclosure. At the very least:

- The chemical information for any fracturing fluids used needs to be easily accessible by the public in a common area such as the state Board of Oil and Gas Conservation (BOGC) website;
- These chemicals need to be disclosed in advance in order for landowners in areas such as Sweet Grass County to begin baseline water testing. All landowners with water wells and springs within one mile of the proposed well to be fracked must receive written notice of the planned chemicals to be used;
- If the BOGC decides it needs to be in the business of enforcing trade secrets over protecting water resources, then companies should at least have to apply to the BOGC and actively provide a reason for any trade secret exemptions. Even if the chemical is listed as a trade secret, it still must be disclosed to the BOGC.

For more information, call Becca at (406) 278-1154 or email rebecca@northernplains.org

NORTHERN PLAINS
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Billings, MT 59104

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Board of Oil & Gas
Conservation
2535 St. John's Ave.
Billings, MT 59102

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JUN 21 2011

MONTANA BOARD OF OIL
& GAS CONS. BILLINGS

Protect our health and clean water: Require fracking chemical disclosure

The Montana Board of Oil and Gas Conservation is gearing up to debate and adopt draft rules on the disclosure of chemicals used in hydraulic fracturing, or "fracking."

Fracking is a process in oil and gas development that involves fracturing rock and pumping a mix of chemicals, many of which are hazardous, under high pressure into the ground. Incidents across the country have demonstrated that these chemicals can and do get into drinking water.

This rule-making process is a chance for you to help protect our water and make oil and gas drilling safer in Montana.

Send your comments

The Board of Oil and Gas held a public hearing June 15 in Sidney to take public comments on draft rules for fracking.

You can still make your voice heard by submitting written comments. Talking points are available on the back of this postcard to help you.

Send comments to:

Board of Oil and Gas Conservation
2535 St. Johns Avenue
Billings, MT 59102

Or email: FracComments@mt.gov

Written comments are due by June 23.

Richmond, Tom

From: Robert Barta [bbarta@mt.net]
Sent: Wednesday, June 22, 2011 6:52 AM
To: DNR FracComments
Subject: Protect public health, land and water

Dear Mr. Richmond

Montana needs full disclosure of the chemicals used in oil and gas drilling, particularly for hydraulic fracturing.

I urge the Board of Oil and Gas to do the right thing and modify their proposed rules to protect public health and our land and water. The BOGC has a duty to protect the citizens of Montana and these rules as currently written only protect industry.

Also, in order to hear perspectives from around the state, an additional public hearing should held in Billings.

Sincerely,

Robert Barta
11825 Hanover Road
Lewistown, MT 59457

Richmond, Tom

From: Jan Brooks [BROOKIE5@HOTMAIL.COM]
Sent: Wednesday, June 22, 2011 7:40 AM
To: DNR FracComments
Subject: Protect public health, land and water

Dear Mr. Richmond

Montana needs full disclosure of the chemicals used in oil and gas drilling, particularly for hydraulic fracturing.

I urge the Board of Oil and Gas to do the right thing and modify their proposed rules to protect public health and our land and water. The BOGC has a duty to protect the citizens of Montana and these rules as currently written only protect industry.

Also, in order to hear perspectives from around the state, an additional public hearing should held in Billings.

Sincerely,

Jan Brooks
2204 Constellation Dr
Livingston, MT 59047

Richmond, Tom

From: fhopstad@nemont.net
Sent: Wednesday, June 22, 2011 7:41 AM
To: DNR FracComments
Subject: Fracking v. aquifer

Definition of aquifer;

a). geological formation of permeable rock, gravel, or sand containing or conducting ground water, esp one that supplies the water for wells, springs, etc.

Conduce; to lead or contribute to a result.

The other day T.B. Pickens said that they were drilling below the aquifer's so there was nothing to worry about.

As a water rights and property owner, with numerous springs. I've had the water tested. Without knowing what chemicals they are putting into their wells, how would we know where the contamination is coming from. If the spring and well waters are tested and do not contain chemicals before the fracking begins, cannot we presume if later the water is contaminated that it had to come from somewhere?

If they are going to hold upstream landowners responsible for contamination downstream. Then who, and how do we hold aquifer cont-aminators responsible.

It's like killing off the oceans, at what point does pointing fingers and law suits become mute?

Thank you for your kind attention to this matter,

Floyd R. Hopstad

Richmond, Tom

From: Kris Thomas [kris@zephyradventures.com]
Sent: Wednesday, June 22, 2011 7:56 AM
To: DNR FracComments
Subject: Comments

Please, you need to require frackers to disclose ALL the chemicals they are using. Some of these will undoubtedly get into our groundwater and we will be drinking them at some point.

I am all for development of our resources and creating jobs, but this needs to be done responsibly! Enough of giving oil and gas companies whatever they want in the name of economic development.

Sincerely,

Kris Thomas
Red Lodge, MT 59068
kridder@gmail.com

Richmond, Tom

From: Edward Verry [listbox@edverry.com]
Sent: Wednesday, June 22, 2011 9:23 AM
To: DNR FracComments
Subject: Protect public health, land and water

Dear Mr. Richmond

Montana needs full disclosure of the chemicals used in oil and gas drilling, particularly for hydraulic fracturing.

I urge the Board of Oil and Gas to do the right thing and modify their proposed rules to protect public health and our land and water. The BOGC has a duty to protect the citizens of Montana and these rules as currently written only protect industry.

Also, in order to hear perspectives from around the state, an additional public hearing should held in Billings.

Sincerely,

Edward Verry
1123 Woodland Dr
Bozeman, MT 59718

Richmond, Tom

From: Elizabeth Campen [Betsycampen@bresnan.net]
Sent: Wednesday, June 22, 2011 11:18 AM
To: DNR FracComments
Subject: fracing rules

Fracing is safe, supervised and should be allowed to increase hydrocarbon production in the US.

Elizabeth B. Campen
Certified Petroleum Geologist

Richmond, Tom

From: Caleb Lande [caleblande@gmail.com]
Sent: Wednesday, June 22, 2011 11:28 AM
To: DNR FracComments
Subject: Protect public health, land and water

Dear Mr. Richmond

Montana needs full disclosure of the chemicals used in oil and gas drilling, particularly for hydraulic fracturing.

I urge the Board of Oil and Gas to do the right thing and modify their proposed rules to protect public health and our land and water. The BOGC has a duty to protect the citizens of Montana and these rules as currently written only protect industry.

Also, in order to hear perspectives from around the state, an additional public hearing should held in Billings.

Sincerely,

Caleb Lande

Caleb Lande
1723 River Stone
Billings, MT 59106

Richmond, Tom

From: S Castle [castle_sd@yahoo.com]
Sent: Wednesday, June 22, 2011 12:13 PM
To: DNR FracComments
Subject: Comment on fracking proposal

Mr. Richmond,

It is my firm contention that no hydraulic fracturing should be allowed to take place in the state of Montana without full disclosure of all chemicals used in the process and, subsequent to that disclosure, full review by qualified scientists not on the oil industry's payroll.

Allowing a trade secret to shield a company from such [see rule 3 of respective MT register] would be to put more stock in its financial interests than in citizens' right to live in a healthy and safe environment. Should that make Montana unattractive to these companies, so be it. We are not shooting ourselves in the foot simply by asking that they try to make profits on their efficiencies in production and distribution rather than in the recipes of their concoctions. They make enough money that they can find other areas of production in which to establish a competitive edge.

The ingredients should not only be disclosed in the case of a spill or catastrophe, but should be held up for review and should be readily available as in a material safety data sheet. Qualified, unbiased health professionals should be part of the health review prior to use of these chemicals.

It is also my contention that 24 hours is an insufficient notification period even for a responsible board to deliberate and certify [see section (3)(2)(a) in respective MT register]. This insistence upon such a turnaround seems only to hasten what should be a careful and methodical process. The oil has been there for millions of years. I think giving a board a week for careful review is not excessive.

The bottom line of this comment is that we should not, as a state, kowtow to the industry's time tables. When we are the ones holding the desired resources, we hold the cards. To hasten the process in an attempt to offload those resources is short sighted and foolish. Might they go elsewhere? Yes. That is always a possibility of negotiation. However, they or someone else will be back. Our state's motto is not "a quick nickel beats a slow dime." Let's not act as if our oil resources were evaporating.

Sincerely,

Shane Castle
5747 Sunset Rd
Helena MT 59602
406-461-2801

Richmond, Tom

From: Robert Hawks [r_hawks@imt.net]
Sent: Wednesday, June 22, 2011 12:17 PM
To: DNR FracComments
Cc: Sexton, Mary
Subject: Fracking Rules Comments
Attachments: Fracking Rules Comments.docx

22 June 2011

Board of Oil and Gas Conservation
2535 St. Johns Avenue
Billings, MT 59102

BOGC Members:

Following find my specific comments regarding the proposed Fracking Rules:

1. I understand you currently carry the responsibility for approving any applicant's classification of a "Trade Secret Product", but your rules by default do not share that chemical list with the BOGC.
2. The inclusion of an automatic "shut-off" valve requirement needs to be in place for emergencies.
3. My personal experience in attempting to access the national website for information suggests that it is not user friendly. In that the state has its own website, I see no reason why it should not be made public there as Montana specific information.
4. Your system of exceptions, opting-out, and reporting after the fact, in my opinion leaves it nearly impossible to monitor compliance or gain immediate access in medical emergencies.
5. Your primary responsibility for safety, enforcement, and protection of the public's property rights is undermined if your rules do not have a framework adequate to hold those few "bad players" to standards of operation this state finds acceptable.
6. Our legal rights are not adequately considered without some form of risk notification to adjacent land owners.
7. It was entirely appropriate to have a public hearing on the proposed rules in Sidney given the impact considerations there, but you are writing rules for the State of Montana and the public's right of access was not met with that one hearing. Potential impacts will likely be felt in central Montana and they legally have the right to address these rules. If challenged, you would likely fail this test.

Thank you for your consideration.

Sincerely,

Robert L (Bob) Hawks
Senate District 33

Richmond, Tom

From: Clare Witcomb [jazzlover@imt.net]
Sent: Wednesday, June 22, 2011 2:24 PM
To: DNR FracComments
Subject: Fracking chemical disclosure

I am asking the Montana Board of Oil & Gas to please adopt draft rules to disclose the chemicals used in fracking. Thank you. Clare Witcomb
Clare Witcomb
jazzlover@imt.net
Red Lodge, MT

Richmond, Tom

From: Deborah Hanson [hans_deb@hotmail.com]
Sent: Wednesday, June 22, 2011 2:55 PM
To: DNR FracComments
Subject: Protect public health, land and water

Dear Mr. Richmond

Texas just did what no other state has done yet and that is to require full disclosure of the chemicals used in oil and gas drilling, especially for hydraulic fracturing.

Montana should do no less and implement strong, transparent rules on chemical disclosure. To protect industry "secrets" the BOGC could require the listing of only the chemicals but not the formulas.

The Board of Oil and Gas has a duty to protect the citizens of Montana. The rules as currently written only protect industry!
The rules need to be revised to actually protect Montana's citizens, land and water.

More areas than in the Sidney area will be affected by fracking. Therefore, it would be in the interest of the public to hold another accessible hearing, either in Billings or Big Timber areas.

Sincerely,

Deborah Hanson
PO Box 550
Miles City, MT 59301

Richmond, Tom

From: Wade Sikorski [wds@midrivers.com]
Sent: Wednesday, June 22, 2011 7:02 PM
To: DNR FracComments
Cc: Rebecca Fischer
Subject: Comment on disclosure of fracking fluids

Members of the Oil and Gas Board:

I am a farmer living in southeastern Montana. Oil drilling is taking place in the area of my family's ranch. I believe that it is essential that we know what the oil companies are injecting into the ground. Disclosure must be done before fracking begins so that landowner can do baseline testing and be able to prove harm if the fluids leak into their aquifers.

I am skeptical about the oil and gas companies claims that they need to protect "trade secrets." My suspicion is that they are actually trying to avoid liability.

I urge the Board of Oil and Gas to protect the right we all have as Montanans to a clean and healthful environment, by responsibly regulating the oil and gas industry to protect our water supply.

Wade Sikorski
1511 Hwy 7
Baker, MT 59313

Richmond, Tom

From: John Grove [skippy@cybernet1.com]
Sent: Wednesday, June 22, 2011 7:24 PM
To: DNR FracComments
Subject: Protect public health, land and water

Dear Mr. Richmond

Montana needs full disclosure of the chemicals used in oil and gas drilling, particularly for hydraulic fracturing.

I urge the Board of Oil and Gas to do the right thing and modify their proposed rules to protect public health and our land and water. The BOGC has a duty to protect the citizens of Montana and these rules as currently written only protect industry.

Also, in order to hear perspectives from around the state, an additional public hearing should held in Billings.

Sincerely,

John Grove
PO Box 77
Stevensville, MT 59870

Richmond, Tom

From: Kent Schlosser [kentschlosser@gmail.com]
Sent: Wednesday, June 22, 2011 7:38 PM
To: DNR FracComments
Subject: Frac Comments

There needs to be more chances to hear what citizens that are impacted have to say. One hearing doesn't cut it. I personally think there are plenty of chemicals in our water sources presently and I won't feel bad if the oil and gas drillers don't get their way on this one.

Thanks.

Richmond, Tom

From: Robert Elliott [relliott@midrivers.com]
Sent: Wednesday, June 22, 2011 8:07 PM
To: DNR FracComments
Subject: Fracing

To Whom This May Concern:

Many individuals outside of the oil and gas business do not understand the fracing process. These chemicals are injected 9,500 to 10,500 feet underground. It is impossible for these chemicals to leach into the underground water supply once they have been injected into the ground. Companies spend millions of dollars on research to determine the best way to frac these wells. Some of the more bigger successful companies would rather move their drilling operations to North Dakota than disclose these methods. Smaller and mid-sized companies, who do not generate as much tax revenue or jobs for the state, are more than willing to share in this information. They spend almost no money in research and development and will be rewarded by getting the R & D generated by other companies. Montana needs the revenue for our state and schools. Instead of looking for reasons to drive oil companies out of our state, we should be helping to develop housing in eastern Montana to accomodate the thousands of employees this industry will bring into the state. There are millions of tax dollars to be generated in Richland and Roosevelt Counties alone, if we don't pass a lot of taxes and unnecessary new regulations that drive the larger oil companies to North Dakota and Wyoming.

Robert Elliott
Sidney, MT

Richmond, Tom

From: Judy Cole [colemj@rangeweb.net]
Sent: Wednesday, June 22, 2011 9:25 PM
To: DNR FracComments
Subject: Attn: Tom Richmond

Dear Tom,

I have reviewed the proposed new rules 1 through 5 concerning drilling, well control, and hydraulic fracturing. I speak on behalf of Montanans for Responsible Energy Development when I say that I don't think we need new rules and stipulations to further complicate the development of Montana's natural resources. I think the existing rules have worked well and have protected all entities.

Sincerely,

Mack Cole, president

Montanans for Responsible Energy Development

PAT HELVEY
6220 ELKHORN RD
HELENA MT 59602



JUN 22 2011
MONTANA BOARD OF OIL
& GAS CONS. BILLINGS

ATTN: Comments

BOARD OF OIL and GAS
CONSERVATION
2535 ST. JAMES AVE.
BILLINGS MT 59102



JUNE 21, 2011

To whom it may concern:
It is beyond understanding
that producers of oil and gas
using hydraulic "fracking"
would be allowed to place
unknown chemicals underground
where they have reached, or cars
in the future migrate to, the
water table. Disclosure of these
chemicals must be required for the
sake of public health. Pat Helvey

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JUN 22 2011

**MONTANA BOARD OF OIL
& GAS CONS. BILLINGS**

Daphne Herling
9601 Cedar Ridge Rd
Missoula, MT 59804
406-531-8347

Montana Board of Oil and Gas Conservation,
2335 St Johns Ave,
Billings, MT 59102

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

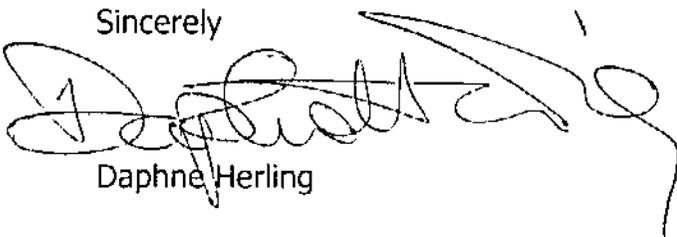
I am writing as part of the public comment period on your proposed rules regarding the disclosure of potentially toxic chemicals used in hydraulic fracturing, or fracking.

The draft rules currently exempt chemicals deemed to be trade secrets from public notice by the oil and gas industry. Under the draft rules, nothing will be published on your website. It is insufficient that paper records of the limited information on chemicals specific to each oil and gas well will be kept at your office in Billings.

I am requesting that you adopt rules which provide readily available public access to the list of toxic chemicals used in fracking. I sincerely encourage you to adopt rules that protect the public and clean water. My specific requests are that:

- The chemical information for any fracturing fluids used be easily accessible by the public on the Board of Oil and Gas' website.
- These chemicals need to be disclosed in advance in order for landowners in areas such as Sweet Grass County to begin baseline water testing. All landowners with water wells and springs within a 1 mile radius of the proposed well to be fracked, must receive written notification of the planned chemicals to be used.
- Companies should have to apply to the Board of Oil and Gas and provide a written justification available to the public for any trade secret exemptions. Exemptions should only be granted in extremely rare circumstances. Even if the chemical is listed as a trade secret, it still must be disclosed to the Board of Oil and Gas.

Sincerely



Daphne Herling

Erica Adams "Rickey" Skinger

Montana Natural Resources and
Conservation
Gas and Oil Board
Helena, MT
Fax (406) 655-6055

June 22, 2011

Dear Gas and Oil Board:

Please accept for consideration the following points for creating good FRACKING RULES:

Something should be included that makes it easy for people to address possible fracking problems with their drinking water, in retrospect.

Why: I suspect that private investors in Bozeman, maybe even our "water consortium", adulterated the public city drinking water supply on the north side of Bozeman (north of main). This was in early June 2008 when they added "liquid caustic soda" to raise the PH, that's "probability of hydrogen", to 9, supposedly to prevent oil leak seepage in private homes, that had not upgraded to plastic pipes, from disintegrating due to low pH water. But what are they really doing? My water when used for dish washing leaves, every time now, an oil ring around the drain basin. Thick, greasy, oil. I have lived here since Fall 1997, and this did not occur formerly. I am poor, also, and am forced to buy drinking water. City says 5 things. They test for are AOK.

815 North 5th Avenue #7 • Bozeman, Montana 59715

Sincerely,

Erica A. Skinger



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JUN 22 2011

MONTANA BOARD OF OIL
& GAS CONS. BILLINGS

Sent via email to: FracComments@mt.gov and US Postal Service

June 20, 2011

Tom Richmond, Administrator
Montana Board of Oil and Gas Conservation
2535 St. Johns Avenue
Billings, MT 59102

RE: Notice of Intent to Consider Adoption of New Rules I through V Regarding Oil and Gas Stimulation

Dear Mr. Richmond,

On behalf of Trout Unlimited National and Montana Trout Unlimited's 3,400 dedicated members, we would like to thank you for the opportunity to comment on the proposed rule changes to well stimulation rules. Further, we appreciate your willingness to address potential rule changes, as these issues have been a topic of considerable discussion during this past year's legislative session. In addition, the concerns about well stimulation are now gaining national attention and TU National and Montana Trout Unlimited (collectively referred to as "TU") appreciate that the Montana Board of Oil and Gas Conservation is getting out in front of this controversial topic.

TU is interested in these rule changes because any activity associated with drilling for oil and gas presents potential contamination issues. Well stimulation, or hydraulic fracturing, is one element of the many phases in oil and gas drilling and as it should be with all drilling activities, fracturing must be done safely. Concerns about human health issues related to contaminated drinking waters and impacts to our state's exemplary fish and wildlife resources remain high with the public. TU strongly supports rules that provide for public safety, while also protecting our great outdoor heritage and its unique resources.

TU is closely monitoring the expanded use of hydraulic fracturing or "fracking" across the country, from the Marcellus Shale development in the East Coast to the Barnett Shale in North Dakota, and to the newest discovery in the Niobrara Shale in Wyoming and Colorado. We are also monitoring states that have adopted or are in the process of adopting fracking rule changes to their Oil and Gas Conservation Commissions, such as those Wyoming adopted last year (September 2010). Clearly, the

issue of fracking has garnered a great deal of attention across the country. As you are well aware, EPA has initiated a Hydraulic Fracturing Study Plan, with the intent to better understand the relationship between hydraulic fracturing fluids and drinking water. TU provided substantive comments to the EPA on this study. Further, it should be noted that New York's Attorney General Eric Schneiderman has filed a lawsuit on behalf of the State of New York alleging that NEPA (National Environmental Protection Act) analysis must be completed prior to the completion of hydraulic fracturing rules to be adopted by the Delaware River Basin Commission, with the ultimate goal being a requirement for a full Environmental Impact Statement (EIS). One could conclude that there is a significant chance that federal agencies could, in the future, require a programmatic EIS and require states to adopt federally established guidelines. We contend that that state of Montana is better suited to adopt its own rules relative to hydraulic fracturing that allow for enhanced resource recovery while addressing local concerns on drinking water, surface waters, and fish and wildlife habitat.

For TU and all our chapters across the country, disclosure of the components of fracking fluids is a common sense, fundamental step towards sound, responsible management. Regulators, land managers, landowners, and the public have a right to know what chemicals are being used to assist in the extraction of natural gas regardless of the composition or volume. It is important to note that we are not advocating for the exact "recipe", for lack of a better word, of the fracking stimulation fluids but rather the generic names and volumes of chemicals being used.

Our comments to the proposed changes are as follows:

New Rule I: Well Stimulation Activities Covered By Drilling Permit.

(2)(a). TU suggests that notification describing the fracturing treatment must be provided at least one week before commencement of well stimulation activities. Our concern is whether BOGC staff will have sufficient time to address any issues and potentially conduct a field site visit given the current 24-hour proposal. Further, there must be sufficient time given for baseline monitoring. Industry will know well in advance whether they will need to fracture a well or not.

(3)(b). Please consider adding the words "...of the components or chemicals to be used in the fracturing/stimulation process" after "the trade name or generic name."

TU recommends that the Board require storage of hydraulic fracturing fluids to be contained in metal tanks rather than potentially leaky pit liners in areas containing aquifers less than 100 feet in depth or within 300 feet of surface water. Further, the companies must conduct freshwater aquifer tests prior to drilling with the results of the tests filed with the BOGC.

RECEIVED

New Rule II. Disclosure of Well Stimulation Fluids.

TU agrees with the Rule II provisions and suggests that under (4)(a), language be included that provides more specific information. We recommend the following:
(4) The administrator may waive all or a portion of (2) or (3) of this rule if: (a) the owner or operator demonstrates that it has provided all of the required information under (2) and (3) to the Interstate Oil and Gas Compact Commission/Groundwater Protection Council (IOGCC) hydraulic fracturing web site. The owner/operator must provide the web link to the Board and the Board must represent that web link on the Montana BOGC website and displayed in a manner that is navigable for the public. This requirement will provide an easier format for the public's view since the IOGCC website has its challenges in accessing information. Disclosure should also include the name, location, and permit number of the well(s). Finally, the BOGC website should be considered the official repository for this information and industry postings only on the IOGCC website or any other location should not be considered adequate. The public must have the ability to look at one central location to find the location of wells and chemicals used in fracking operations.

New Rule III. Proprietary Chemicals and Trade Secrets.

(1) Pursuant to proposed rule III, TU argues that the need for public disclosure and the public's right to know far outweighs industry trade secrets. TU appreciates the protection of trade secrets in the highly competitive oil and gas industry. However, it should be noted that concerned citizens are not looking for the recipe for fracturing, but rather the knowledge of which chemicals are being pumped into the ground to release the oil or gas resource. In support of our recommendation, it should be noted that household products list all chemicals used in the making of those products, yet they do not include the exact recipe for that product. The same should be true for the oil and gas industry. The public has a right to know what is being injected into public and private lands.

(2) We also ask that full disclosure be required to the Board, its staff, and the public *regardless of whether a spill occurs*. Without full disclosure of all chemicals used in hydraulic fracturing, treatment for injuries and/or resolution to potential water well contamination cannot be adequately addressed. Relative to medical emergencies, we applaud the BOGC's proposal to require immediate disclosure of chemical constituents. However, if there is a health emergency and one person is affected, it is irresponsible and burdensome for that health professional to be bound in confidence to the secrecy of dangerous chemicals when others in a community could be at risk as well.

Further, the Board should note that without a full disclosure requirement, industry would most likely claim proprietary ownership over disclosure. This is currently happening in Wyoming, where trade secrecy has become the rule, rather than the exception. A trade secret exemption could render the rule useless should operators choose this route.

RECEIVED

Montana should be taking a more proactive approach and thwart any effort from EPA and other federal agencies to comply with potentially stricter standards in the future. Certainly, the BOGC can disclose chemicals without giving away any trade secrets.

New Rule IV. Safety and Well Control Requirements—Hydraulic Fracturing.

TU contends that collecting baseline water quality data prior to any drilling activities is key to understanding potential future contamination. Regular and consistent monitoring of groundwater and surface water that could potentially be impacted by fracking activities should be required for each well that is drilled. Monitoring also requires planning and active communication among regulatory agencies and surface landowners.

Therefore, TU recommends that the developer be responsible for providing notice of fracking activities to private landowners 30 days prior to such activities. Additionally, operators/developers should also provide notice of intent to conduct fracking activity in one or more local newspapers with local circulation. Such notice represents a reasonable minimal effort by the operator and allows private and public landowners as well as interested parties time to consider collecting their own baseline data, independent of data we are asking operators to collect.

Public Comment Process

TU suggests holding an additional hearing in Billings and extending the comment period to accommodate those facing gas development in Sweet Grass and Park Counties. By limiting comment hearings to one hearing in Sydney, it is prohibitive to concerned citizens and landowners in other parts of the state where fracking likely will occur.

In summary, TU appreciates the open discussions that are taking place both in the legislative arena and with the public. We support the BOGC's willingness to address these concerns through the adoption of these new rules. With the expansion of hydraulic fracturing throughout the United States, and most importantly in our own backyards, we clearly have some concerns regarding the safety of the process. We look forward to continuing to provide our thoughts on this important matter.

Sincerely,

Kendall Van Dyk
Energy Coordinator
Trout Unlimited
16 Alderson Avenue
Billings MT 59101
kvandyk@tu.org

Michael Gibson
Outreach Director,
Montana Trout Unlimited
111 N. Higgins #500
Missoula, MT 59802
michael@montanatu.org

RECEIVED

Richmond, Tom

From: Albro, Derek [Derek.Albro@dvn.com]
Sent: Thursday, June 23, 2011 10:24 AM
To: DNR FracComments
Cc: Agopian, Nick
Subject: Devon comments
Attachments: ENV - HF - MT Devon Comments (6-23-2011).pdf

Mr. Richmond:

Please accept the attached document as Devon Energy's comments to the proposed Rules I-V regarding oil and gas well stimulation activities. Thank you for the opportunity to comment on this very important issue, and Devon sincerely appreciate the role of states in regulating the oil and gas industry.

Respectfully,
Derek Albro

Derek M. Albro
Devon Energy Corporation
20 N. Broadway
Oklahoma City, OK 73102
O: (405) 552-3614
M: (405) 823-6516
F: (405) 552-7818
Derek.Albro@dvn.com

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June 22, 2011

Mr. Thomas Richmond
Administrator/Petroleum Engineer
Department of Natural Resources
Montana Board of Oil & Gas Conservation
2535 St. Johns Avenue
Billings, Montana 59102

RE: Devon Energy Comments on Montana Proposed Rules I-V Regarding Oil and Gas Well Stimulation

Dear Mr. Richmond:

Devon Energy Corporation (Devon) appreciates this opportunity to offer comments on the above-referenced proposed oil & gas well stimulation rules. Devon supports the Montana Board of Oil & Gas Conservation effort to provide an appropriate level of Board review and public disclosure of information about hydraulic fracturing and other well stimulation treatments used to complete oil & gas wells in Montana.

Devon strongly supports regulatory oversight and public disclosure of hydraulic fracturing information. In fact, Devon adopted its own disclosure principles more than a year ago and provided them to regulators in all states in which Devon operates, offering to work with them on disclosure. In addition Devon is a voluntary participant in the national "FracFocus" model registry, the publicly-accessible website developed jointly by the Interstate Oil and Gas Compact Commission and the Groundwater Protection Council, and is very pleased that the registry is identified by the Board's proposed rules as a means of compliance with Montana's proposed disclosure rules.

More specifically, with regard to the Board's proposed rules, Devon believes that regulatory oversight and disclosure should be commensurate with the level of risk posed by hydraulic fracturing. The most commonly expressed concern about hydraulic fracturing is that it may contaminate underground freshwater aquifers. Devon believes, and the factual record supports the conclusion, that hydraulic fracturing poses a very low risk of groundwater contamination because there are usually several thousand feet of solid rock separating fresh groundwater zones from hydraulically fractured geologic formations and the probability that fractures will be propagated through thousands of feet of intervening rock layers and into fresh groundwater aquifers is extremely low. Devon believes the Board's proposed rules provide an appropriate level of regulatory oversight and public disclosure.

Devon also supports the Board's proposed rules because Devon believes that state-level regulation is preferable to federal regulation. Devon strongly believes that regulatory oversight and management of hydraulic fracturing and other well stimulation activities should reside with state agencies that have extensive experience regulating the oil and gas industry and possess the knowledge of local and state conditions necessary to develop and implement effective regulatory programs.

While Devon supports the Board's effort to provide regulatory oversight and public disclosure for oil & gas well stimulation activities, Devon offers general clarifying language and the following more specific comments to improve and clarify the scope and effect of the proposed rules. In addition, clean and redline copies of the Board's proposed rules reflecting Devon's suggested revisions are attached for your review.

With respect to Rule 1, subsection (1), Devon, in general, does not object to disclosing proposed hydraulic fracturing information and other proposed well stimulation activities in the Board's application for permit to drill form. However, hydraulic fracturing treatments (and other well stimulation activities) are typically finalized only after a well has been drilled and definite information obtained about the target reservoir. Prior to drilling a well, the scope and details of hydraulic fracturing, and other well completion treatments that may be performed are uncertain, and therefore only general information on anticipated well treatment activities can be provided. In addition, the unavailability of definitive information on hydraulic fracturing or other well stimulation activities before a well is drilled precludes Board review and approval of such well completion information as a condition for issuing a drilling permit. The Board's proposed Rule 1, subsection (1) appears to recognize these realities, but Devon is suggesting subsection (1) language to clarify what it believes is the Board's intent that in applications for a permit to drill, the Board receive notice of anticipated hydraulic fracturing and other well stimulation treatments for informational purposes only. Devon also suggests language at the beginning of subsection (1) recognizing the exception in subsection (2) to providing anticipated well stimulation information in the application for permit to drill.

Devon also agrees on the necessity of Rule 1, subsection (2) to address instances when hydraulic fracturing or other well stimulation treatments have not been proposed prior to starting drilling operations. Devon suggests subsection (2) language clarifying that in these instances Operators will provide notice to the Board of planned hydraulic fracturing or other well stimulation activities by submitting a Form No. 2 Sundry Notice to the Board at least 24 hours prior to initiating such activities.

With respect to Rule 1, subsection (3), Devon suggests the Board delete the specific information items for hydraulic fracturing listed in subsection (3) (a)-(e) because, again, such specific information is not typically available prior to drilling or completing a well. Devon agrees with the Board, and has offered clarifying language to subsection (3), that the hydraulic fracturing disclosures required under Rule 1, subsections (1) and (2) may be satisfied by submitting a final hydraulic fracturing treatment design for a previously completed similar well, or pre-filing a generic hydraulic fracturing treatment plan anticipated for wells that will be drilled in a specific geologic reservoir, producing field or geographic area. Devon notes that a final treatment plan for a previous, similar well or a generic plan submitted to meet the hydraulic fracturing disclosure requirements of Rule 1 will often include the information items listed in proposed Rule 1, subsection (3) (a) - (e).

Devon supports the Board's proposed Rule II and offers only clarifying language to this proposed rule. Devon particularly supports the Board's proposed Rule II, subsection (4) which allows Operators to meet Rule II hydraulic fracturing disclosure requirements by posting the required information on FracFocus, the Interstate Oil and Gas Compact/Groundwater Protection Council hydraulic fracturing website. This website has been operating for several months, is national in scope, and has proved to be an effective means of making hydraulic fracturing information readily accessible to the general public. By allowing compliance with Rule II hydraulic fracturing disclosure requirements by posting the required information on this website, the Board achieves its goal of making hydraulic fracturing information available to Montana citizens while avoiding duplicative reporting and lessening the administrative cost and burden of managing the many disclosure reports that would otherwise be filed with the Board.

Devon supports the proposed Rule III and offers only clarifying language to this Rule. Devon also generally supports the Board's proposed Rules IV and V. Devon recommends the addition of language to Rule V requiring prior notice to the Board of planned work on an existing well by filing a Board Form No. 2 at least 48 hours before commencement of such work. Devon is also suggesting additional language to proposed Rule V allowing planned work on an existing well to proceed upon the earlier of Board approval of the submitted Form No. 2 or the expiration of the 48-hour notice period.

Mr. Thomas Richmond
Page 3
June 22, 2011

Devon appreciates this opportunity to provide comments on the Board's proposed rules regarding oil and gas well stimulation. Again, Devon is enclosing a clean and redline copy of the Board's proposed rules reflecting its comments and suggested changes. Devon looks forward to working with the Board to produce final rules that address the needs and concerns of the citizens of Montana and that provide appropriate guidance and direction to the oil and gas industry.

Sincerely,

A handwritten signature in black ink, appearing to read "Richard Luedecke", with a long horizontal flourish extending to the right.

Richard Luedecke
Vice President, Environmental, Health & Safety
Richard.Luedecke@dvn.com

NEW RULE I WELL STIMULATION ACTIVITIES COVERED BY DRILLING PERMIT

- (1) Except as provided in 36.22.609(2), well completion activities including hydraulic fracturing, acidizing, or other chemical stimulation performed to complete a well are permitted activities under the drilling permit for a well provided that a general description of anticipated hydraulic fracturing, acidizing or other chemical stimulation is included in the application for permit to drill.
- (2) For wildcat or exploratory wells or when the Operator is unable to determine that hydraulic fracturing, acidizing, or other chemical treatment will be performed to complete a well, the Operator must submit a written description of planned well completion activities to the Board's staff prior to commencing such activities and the written description of planned fracturing, acidizing, or other planned chemical treatment must be submitted to the Board's staff no less than 24 hours before commencement of well stimulation activities.
- (3) An Operator may comply with the disclosure requirements of this section 36.22.609 for hydraulic fracturing stimulation by submitting the well treatment description supplied to the Operator by the Service Company performing the hydraulic fracture stimulation including:
 - (a) a copy of a final design of well treatment actually used for similar wells and which reflects the likely design for the well to be permitted; or
 - (b) a pre-filed, generic design submitted for a specific geologic formation, specific producing field or specific geographic area.

NEW RULE II DISCLOSURE OF WELL STIMULATION FLUIDS

- (1) Upon completion of well completion activities for a well, the Operator of a well shall provide the Board, on its Form No. 4 for a new well or Form No. 2 for an existing well:
 - (a) a description of the interval(s) or formation treated;
 - (b) the type of treatment pumped (acid, chemical, fracture stimulation); and
 - (c) the amount and type(s) of material pumped and the sustained pressure reached during treatment.
- (2) For hydraulic fracturing treatments the description of the amount and type of material used shall include:
 - (a) a description of the stimulation fluid identified by additive type (e.g. acid, biocide, breaker, brine, corrosion inhibitor, crosslinker, demulsifier, friction reducer, gel, iron control, oxygen scavenger, pH adjusting agent, proppant, scale inhibitor, surfactant);
 - (b) the chemical ingredient name and the Chemical Abstracts Service (CAS) Registry number, as published by the Chemical Abstracts Service, a division of the American Chemical Society (www.cas.org), for each ingredient of the additive used. The concentration for each additive shall be provided in appropriate measurement units (pounds per gallon, gallons per thousand gallons, percent by weight or percent by volume, or parts per million).

- (3) To comply with the disclosure requirements of this section 36.22.1013, the Operator may submit:
- (i) the Service Company's job log;
 - (ii) the Service Company's final treatment report (without any cost/pricing data);
 - (iii) an Operator's well treatment job log; or
 - (iv) other report providing the above required information.
- (4) The Board Administrator shall waive all or a portion of the requirements in subsections (2) or (3) of this section 36.22.1013 if the Operator demonstrates that it has posted the information required under subsections (2) or (3) to the Interstate Oil and Gas Compact Commission/Groundwater Protection Council hydraulic fracturing web site;

NEW RULE III PROPRIETARY CHEMICALS AND TRADE SECRETS

- (1) As provided in 82-11-117, MCA, where the use or composition of a chemical product is unique to the Operator or Service Company and would, if disclosed, reveal methods or processes entitled to protection as trade secrets such chemical product need not be disclosed to the Board or Board staff. In any disclosure required under sections 36.22.609 or 36.22.1013, the Operator or Service Company may limit disclosure of any trade secret chemical or chemical product to trade name, inventory name, or other generally descriptive name and the quantity of such constituent(s) used.
- (2) If necessary to respond to a spill or release of a trade secret chemical product the Operator, or Service Company must provide to the Board or Board staff, upon request, a list of the chemical constituents contained in a trade secret chemical product. The Board Administrator may request information be provided orally or be provided directly to a laboratory or other third party performing analysis for the Board.
- (3) The Operator, or Service Company must also provide the chemical constituents of a trade secret chemical product to a health professional who provides a written statement that knowledge of the chemical constituents of such chemical product is needed for purposes of diagnosis or treatment of an individual and the individual being diagnosed or treated may have been exposed to the chemical product concerned. The health professional may not use the information for purposes other than the health needs asserted in the statement of need, and may be required by the Operator or Service Company to execute a nondisclosure agreement.
- (4) Should a health professional determine that a medical emergency exists and the chemical constituents of a trade secret chemical product are necessary for emergency treatment, the Operator, or Service Company shall immediately disclose the chemical constituents of the trade secret chemical product to that health professional upon a verbal acknowledgement by the health professional that such information shall not be used for purposes other than the health needs asserted and that the health professional shall otherwise maintain the information as confidential. The Operator or Service Company may request a written statement of need, and a confidentiality agreement from a health professional as soon as circumstances permit.

NEW RULE IV SAFETY AND WELL CONTROL REQUIREMENTS – HYDRAULIC FRACTURING

- (1) New and existing wells which will be stimulated by hydraulic fracturing must demonstrate mechanical integrity.

- (2) Prior to initiation of fracture stimulation, production casing or intermediate casing must be tested to the maximum anticipated treating pressure in the unsupported (uncemented) portion of the casing exposed to treating pressure. If the casing fails the pressure test it must be repaired or the operator must use a temporary casing string (fracturing string).
 - (a) A fracturing string must be stung into a liner or run on a packer set not less than 100 feet below the cement top of the production or intermediate casing and must be tested to not less than maximum anticipated treating pressure minus the annulus pressure applied between the fracturing string and the production or immediate casing.
- (3) A casing pressure test will be considered successful if the pressure applied has been held for 15 minutes with no more than five percent pressure loss.
- (4) A pressure relief valve(s) must be installed on the treating lines between pumps and wellhead to limit the line pressure to the test pressure determined above.
- (5) The surface casing valve must remain open while hydraulic fracturing operations are in progress; the annular space between the fracturing string and the intermediate or production casing must be monitored and may be pressurized to a pressure not to exceed the pressure rating of the lowest rated component that would be exposed to pressure should the fracturing string fail.

NEW RULE V WORK-OVER, RECOMPLETION, WELL STIMULATION NOTICE

- (1) No existing well may be re-perforated, re-completed, re-worked, chemically stimulated, or hydraulically fractured without the Operator providing notice to the Board by submitting a Form No. 2 no less than forty-eight (48) hours prior to performing such well work activities and the Operator may perform the proposed well work activities upon the earlier of receipt of Board approval or the expiration of the forty-eight (48) hour prior notice period required under this section. Within 30 days following completion of the well work, a subsequent report of the actual work performed must be submitted on Form No. 2.
- (2) Well repairs, including tubing, pump, sucker rod replacement or repair, repairs and reconfiguration of well equipment which do not substantially change the mechanical configuration of the well bore or casing do not require prior approval or a subsequent report. Acid and chemical treatments of less than 5000 gallons, hot oil treatments, and similar treatments intended to clean perforations, remove scale or paraffin, or remedy near-well bore damage do not require prior approval.

NEW RULE I WELL STIMULATION ACTIVITIES COVERED BY DRILLING PERMIT

- (1) ~~Well completions which include~~ Except as provided in 36.22.609(2), well completion activities including hydraulic fracturing, acidizing, or other chemical stimulation ~~done~~performed to complete a well are ~~considered~~ permitted activities under the drilling permit for ~~that well only if the processes, anticipated volumes, and types of materials planned for use are expressly described in the permit~~a well provided that a general description of anticipated hydraulic fracturing, acidizing or other chemical stimulation is included in the application for ~~that well~~permit to drill.
- (2) For wildcat or exploratory wells or when the ~~operator~~Operator is unable to determine that hydraulic fracturing, acidizing, or other chemical treatment will be ~~done~~performed to complete ~~the~~a well, the ~~operator~~Operator must ~~obtain prior~~submit a written ~~approval of~~such description of planned well completion activities ~~from~~to the ~~board~~Board's staff ~~at any time~~ prior to commencing such activities ~~provided that: (a)~~and the written ~~information describing the~~description of planned fracturing, acidizing, or other ~~planned~~ chemical treatment must be ~~provided~~submitted to the ~~board~~Board's staff ~~at least~~no less than 24 hours before commencement of well stimulation activities.
- (3) ~~For the purpose of this section, an adequate description of the proposed well stimulation includes:~~
 - ~~(a) the estimated total volume of treatment to be used;~~
 - ~~(b) the trade name or generic name;~~
 - ~~(c) amount or volume of the principle components such as viscosifiers, acids, or gelling agents;~~
 - ~~(d) the weight or volume of inert substances such as proppants and other substances injected to aid in well cleanup, either for each stage of a multistage job or for the total job; and~~
 - ~~(e) the anticipated surface treating pressure and the maximum anticipated treating pressure. The owner, operator, or service company may provide:~~ An Operator may comply with the disclosure requirements of this section 36.22.609 for hydraulic fracturing stimulation by submitting the well treatment description supplied to the Operator by the Service Company performing the hydraulic fracture stimulation including:
 - (a) (i) a copy of a final design of well treatment actually used for similar wells and which reflects the likely design for the well to be permitted; or
 - (b) (ii) ~~a prefiled~~a pre-filed, generic design submitted for a specific geologic ~~formations, geographic areas, or well types likely to be used in a particular well~~formation, specific producing field or specific geographic area.

NEW RULE II DISCLOSURE OF WELL STIMULATION FLUIDS

- (1) ~~(1) The owner or operator~~Upon completion of well completion activities for a well, the ~~Operator~~Operator of a well shall provide the ~~board~~Board, on its Form No. 4 for a new well or Form No. 2 for an existing well:
 - (a) (a) a description of the interval(s) or formation treated;
 - (b) the type of treatment pumped (acid, chemical, fracture stimulation); and

(c) the amount and type(s) of material pumped and the ~~rates and maximum~~sustained pressure reached during treatment.

(2) ~~(2)~~ For hydraulic fracturing treatments the description of the amount and type of material used ~~must~~shall include:

(a) ~~(a)~~ a description of the stimulation fluid identified by additive type (e.g. acid, biocide, breaker, brine, corrosion inhibitor, crosslinker, demulsifier, friction reducer, gel, iron control, oxygen scavenger, pH adjusting agent, proppant, scale inhibitor, surfactant); ~~and~~

(b) the chemical ~~compound~~ingredient name and the Chemical Abstracts Service (CAS) Registry number, as published by the Chemical Abstracts Service, a division of the American Chemical Society (www.cas.org), for each ~~constituent~~ingredient of the additive used. The ~~rate or~~ concentration for each additive shall be provided in appropriate measurement units (pounds per gallon, gallons per thousand gallons, percent by weight or percent by volume, or parts per million).

(3) To comply with the disclosure requirements of this section 36.22.1013, the Operator may submit:

(i) the Service Company's job log;

(ii) ~~(3) The owner or operator may submit the service contractor's job log, the Service Company's~~ final treatment report (without any cost/pricing data), ~~or an owner or operator representative's well treatment job log or other report providing the above required information.~~;

(iii) an Operator's well treatment job log; or

(iv) other report providing the above required information.

(4) ~~The administrator may~~ The Board Administrator shall waive all or a portion of the requirements in subsections (2) or (3) of this rule section 36.22.1013 if: ~~(a) the owner or operator~~ Operator demonstrates that it has ~~provided~~ posted the information required under subsections (2) or (3) to the Interstate Oil and Gas Compact Commission/Groundwater Protection Council hydraulic fracturing web site; ~~or (b) other Internet information repositories that can be accessed by the public.~~

NEW RULE III PROPRIETARY CHEMICALS AND TRADE SECRETS

(1) As provided in 82-11-117, MCA, where the use or composition of a chemical product is unique to the ~~owner or operator or service contractor~~ Operator or Service Company and would, if disclosed, reveal methods or processes entitled to protection as trade secrets such ~~a~~ chemical product need not be disclosed to the ~~board or staff. The owner, operator, or service contractor may identify the~~ Board or Board staff. In any disclosure required under sections 36.22.609 or 36.22.1013, the Operator or Service Company may limit disclosure of any trade secret chemical or chemical product ~~by~~ to trade name, inventory name, or other ~~unique~~ generally descriptive name and the quantity of such constituent(s) used.

(2) If necessary to respond to a spill or release of a trade secret chemical product the ~~owner, operator, or service contractor~~ Operator, or Service Company must provide to the ~~board~~ Board or Board staff, upon request, a list of the chemical constituents contained in a

trade secret chemical product. The ~~administrator~~Board Administrator may request information be provided orally or be provided directly to a laboratory or other third party performing analysis for the ~~board~~Board.

- (3) The ~~owner, operator, or service contractor~~Operator, or Service Company must also provide the chemical constituents of a trade secret chemical product to a health professional who provides a written statement that knowledge of the chemical constituents of such chemical product is needed for purposes of diagnosis or treatment of an individual and the individual being diagnosed or treated may have been exposed to the chemical product concerned. The health professional may not use the information for purposes other than the health needs asserted in the statement of need, and may be required by the Operator or Service Company to execute a nondisclosure agreement.
- (4) ~~Where Should~~ a health professional ~~determines~~determine that a medical emergency exists and the chemical constituents of a trade secret chemical product are necessary for emergency treatment, the ~~owner, operator, or service contractor~~Operator, or Service Company shall immediately disclose the chemical constituents of ~~a~~the trade secret chemical product to that health professional upon a verbal acknowledgement by the health professional that such information shall not be used for purposes other than the health needs asserted and that the health professional shall otherwise maintain the information as confidential. The ~~owner or operator or service contractor~~Operator or Service Company may request a written statement of need, and a confidentiality agreement from a health professional as soon as circumstances permit.

NEW RULE IV SAFETY AND WELL CONTROL REQUIREMENTS – HYDRAULIC FRACTURING

- (1) New and existing wells which will be stimulated by hydraulic fracturing must demonstrate mechanical integrity.
- (2) Prior to initiation of fracture stimulation, production casing or intermediate casing must be tested to the maximum anticipated treating pressure in the unsupported (uncemented) portion of the casing exposed to treating pressure. If the casing fails the pressure test it must be repaired or the operator must use a temporary casing string (fracturing string).
 - (a) A fracturing string must be stung into a liner or run on a packer set not less than 100 feet below the cement top of the production or intermediate casing and must be tested to not less than maximum anticipated treating pressure minus the annulus pressure applied between the fracturing string and the production or immediate casing.
- (3) A casing pressure test will be considered successful if the pressure applied has been held for 15 minutes with no more than five percent pressure loss.
- (4) A pressure relief valve(s) must be installed on the treating lines between pumps and wellhead to limit the line pressure to the test pressure determined above.
- (5) The surface casing valve must remain open while hydraulic fracturing operations are in progress; the annular space between the fracturing string and the intermediate or production casing must be monitored and may be pressurized to a pressure not to exceed the pressure rating of the lowest rated component that would be exposed to pressure should the fracturing string fail.

NEW RULE V WORK-OVER, RECOMPLETION, WELL STIMULATION – NOTICE AND APPROVAL

- (1) No existing well may be ~~reperforated, recompleted, reworked~~re-perforated, re-completed, re-worked, chemically stimulated, or hydraulically fractured without ~~first notifying the board on Form No. 2 and receiving approval from the administrator or other authorized representative of the board.~~the Operator providing notice to the Board by submitting a Form No. 2 no less than forty-eight (48) hours prior to performing such well work activities and the Operator may perform the proposed well work activities upon the earlier of receipt of Board approval or the expiration of the forty-eight (48) hour prior notice period required under this section. Within 30 days following completion of the well work, a subsequent report of the actual work performed must be submitted on Form No. 2.
- (2) Well repairs, including tubing, pump, sucker rod replacement or repair, repairs and reconfiguration of well equipment which do not substantially change the mechanical configuration of the well bore or casing do not require prior approval or a subsequent report. Acid and chemical treatments of less than 5000 gallons, hot oil treatments, and similar treatments intended to clean perforations, remove scale or paraffin, or remedy near-well bore damage do not require prior approval.

Document comparison by Workshare Professional on Wednesday, June 22, 2011
5:02:59 PM

Input:	
Document 1 ID	interwovenSite://houmspap09/LEGAL/50177352/1
Description	#50177352v1<LEGAL> - Montana Fracing Rule 5/25 Draft
Document 2 ID	interwovenSite://houmspap09/LEGAL/50177352/4
Description	#50177352v4<LEGAL> - Montana Fracing Rule 5/25 Draft
Rendering set	standard

Legend:	
<u>Insertion</u>	
Deletion	
Moved from	
<u>Moved to</u>	
Style change	
Format change	
Moved deletion	
Inserted cell	
Deleted cell	
Moved cell	
Split/Merged cell	
Padding cell	

Statistics:	
	Count
Insertions	73
Deletions	70
Moved from	2
Moved to	2
Style change	0
Format changed	0
Total changes	147

Richmond, Tom

From: Lloyd Hetrick [lhetrick@newfield.com]
Sent: Thursday, June 23, 2011 10:33 AM
To: DNR FracComments
Cc: Bruce Stallsworth; Sam Knaizer; Watty Strickland; mpontiff@newfield.com; Mike Wylie
Subject: Newfield Comments on MT's Proposed Hydraulic Fracturing Rules
Attachments: Newfield Recommendations on Proposed MT HF Disclosure Requirements_Lloyd.pdf

Mr. Richmond,

Attached please find our comments. I can be reached at the address and contact numbers below if you require anything more.

Thank you for this opportunity, Lloyd

Lloyd H. Hetrick, PE, CSP
Operations Engineering Specialist
Newfield Exploration Company
363 North Sam Houston Pkwy East #100
Houston, Texas, 77060
lhetrick@newfield.com
(281) 674-2024 office
(281) 630-6571 cell
(281) 674-2902 fax

NEWFIELD



June 22, 2011

Mr. Thomas Richmond, Administrator
Montana Board of Oil and Gas Conservation
2535 St. Johns Avenue
Billings, MT 59102

Dear Mr. Richmond:

We appreciate the opportunity to offer our recommendations to your draft on proposed rules regarding hydraulic fracturing. Let me emphasize that Newfield is fully supportive of the disclosure of fluids used in hydraulic fracturing. The following comments are aimed at ensuring disclosure is managed in a practical and efficient manner.

New Rule I

Newfield understands that the mechanism the Board has chosen for chemical disclosure is to tie the fracturing treatment notice to the permit to drill. Given that the drilling permitting process can be several months in advance of the treatment, Newfield believes there needs to be either more flexibility or a reduction in the pre-drilling information you require. Stimulation designs often change based on data from the well drilling process, even in known fields. Additionally, service providers can suddenly change or chemical supplies may change based on availability. Newfield suggests that, at a minimum, the Board make changes to new Rule I to ensure that it is clear that estimates and/or generic filings which occur with the application for permit to drill (APD) meet the requirements of the rule. As written, the rule leaves too much room for interpretation which will ultimately lead to confusion, problems and delay.

Newfield recommends the following language for New Rule I:

- Clarify that the use of “estimates” in Rule I, paragraph 3 carries through to all subparts. This rule could be read to allow estimates of the total volume of treatment to be used while reporting specifics of components. Such an interpretation would be problematic since volumes can change significantly from when an APD is filed to when the treatment is undertaken.
- The information required in Rule I (3)(e) is difficult to provide that early in the process and is not related to chemical disclosure. The requirements for treating pressure should be removed and the allowance for submission of generic design submission should be allowed.
- Sections in Rule I under (3)(e)(i) and (ii) should be placed in a new section 4 in new rule I.

New Rule II

Newfield suggests the following for New Rule II:

- Paragraph 1(c) should be deleted since the purpose of the rule is to disclose chemicals, not reveal processes and methods.
- Paragraph 2 generally would require the post-fracture disclosure of only additive-level information, including a description of the "additive type" and the "rate or concentration for each additive" as applied during the hydraulic fracturing treatment. However, the draft rule also requires that the "chemical compound name and Chemical Abstracts Service (CAS) number" be provided "for each additive used," even though additives generally do not have unique CAS numbers - only the constituents within an additive would typically have a CAS number. To clarify this provision, and since the regulation generally requires only additive-level information, we recommend that the reference to "chemical compound name and Chemical Abstracts Service (CAS) number" be stricken. The draft rule should instead require a description of the "name of each additive used" and not the compound name and CAS number.
- Newfield recommends providing for greater certainty in paragraph 4. Industry and government have spent significant resources developing the Interstate Oil and Gas Compact Commission (IOGCC)/Groundwater Protection Council's (GWPC) hydraulic fracturing website (FracFocus - <http://www.fracfocus.org>). To date, there are over 45 participating companies reporting over 1,520 wells. Newfield suggests that the Board remove any uncertainty that FracFocus will be a satisfactory disclosure mechanism by including language stating that the Administration will waive the requirements of paragraphs 2 and 3 if a company is disclosing through FracFocus.

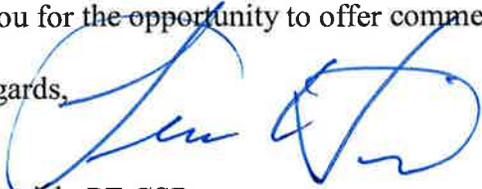
New Rule IV

Newfield is concerned that paragraph 2 as written incorrectly denies that the steel of the tube body and the type of connection are the only pressure barrier components and any contribution from cement on the backside should be ignored. Additionally Newfield is concerned that pressure testing requirements in paragraph 3 are too stringent and suggest the following changes:

- Remove from paragraph 2 "in the unsupported (uncemented) portion of the casing exposed to treating pressure" altogether, and
- Change paragraph 3 to "A casing pressure test will be considered successful if the pressure applied has been held for 15 minutes with no more than 10% pressure loss."

Thank you for the opportunity to offer comment on this draft rule.

Best Regards,


Lloyd Hetrick, PE CSP
Operations Engineering Specialist
Newfield Exploration Company

Richmond, Tom

From: Nellieisrael@aol.com
Sent: Thursday, June 23, 2011 10:48 AM
To: DNR FracComments
Subject: Fracing

Dear Sirs,

It is terribly important to know what chemicals are being used in the fracking process.
Do require this information to be required

.
Nellie Israel
PO Box 76
Joliet, Mt 59041
nellieisrael@aol.com

Richmond, Tom

From: Gale, Charles [charles.gale@business.umt.edu]
Sent: Thursday, June 23, 2011 10:52 AM
To: DNR FracComments
Subject: Please stop the disclosure of toxic chemicals used in Fracking

To the Board of Oil and Gas.

I am a born and raised Montanan. I have an increasing concern for the disclosure of toxic chemicals used in fracking process. As a recent graduate of Resource Conservation with a minor in Climate Change Studies at the University of Montana, I can attest that this information needs to be available to the public. I acknowledge our society is based around fossil fuels and I understand oil will be a staple diet of our energy consumption. However if the process of fracking is a clean process with no negative impact on the water quality of the surrounding area, I see no reason why the information about the toxins cannot be released. If big oil and gas companies have a large share hold in the fossil fuel market, then the trade secrets should not be released. Although as I am informed the processes involve in fracting is know throughout the fossil fuel industry. So why confuse the public with disclosing this information. Let this information be relayed to the public, so as the public does not have to find the information from a potentially misinformed source.

Please do not pass the rules regarding the disclosure of potentially toxic chemicals used in hydraulic fracturing. Similar disclosure rules were enacted in Wyoming in 2010 and water contamination is now being investigated around oil fracking sites.

Thank you for understanding my comments.

Sincerely,

CHARLES B GALE

RESEARCH ASSISTANT- FOREST INDUSTRY RESEARCH
BUREAU OF BUSINESS AND ECONOMIC RESEARCH

PH: (406) 243-4517

FAX: (406) 243-2086

**BUREAU OF
BUSINESS
AND ECONOMIC
RESEARCH**



The University of
Montana

Richmond, Tom

From: Allen & Associates [allen@allen-associatesmt.com]
Sent: Thursday, June 23, 2011 11:44 AM
To: DNR FracComments
Subject: Fracturing Rule Comments

June 23, 2011

Mr. Thomas Richmond, Administrator
Montana Board of Oil and Gas Conservation
2535 St. Johns Avenue
Billings, MT 59102

Dear Mr. Richmond,

On behalf of the Western Environmental Trade Association I submit the following comments regarding the Fracturing Rule before the Board of Oil and Gas.

WETA, organized in 1976, is a coalition of representatives of agriculture, labor, business, commercial industry, the scientific community, recreation, transportation and twenty-one other trade associations, with an interest in promoting the economic well being of the people of Montana while protecting the state's environment. These member associations, companies and other organizations collectively employ or represent thousands of Montanans.

We are concerned that notice of an HF technique in advance of the treatment could be used to challenge permits by those who basically oppose development of our oil and gas resources.

In view of the highly technical nature of these proposed rules, WETA would like to go on record in support of the comments being submitted by the Montana Petroleum Association.

Don Allen, WETA Executive Director

Richmond, Tom

From: Pete.Ferrell@gmail.com
Sent: Thursday, June 23, 2011 12:04 PM
To: DNR FracComments
Subject: Fracking

Hello,

I would like to request that the Board of Oil and Gas adopt rules which provide readily available public access to information regarding the chemicals used in the fracking process. I would also like to encourage the board to consider the health and quality of the public's air and water when determining which chemicals are and are not to be allowed to be used in the fracking process. Please do not allow chemicals which will be toxic to the health of our environment and resources. These chemicals have a tendency to have unknown and unexpected tragic effects.

Thank you,

Peter Ferrell
21 Riverfront Drive
Trout Creek, MT 59874

Richmond, Tom

From: Julia Page [jpage@wispwest.net]
Sent: Thursday, June 23, 2011 12:43 PM
To: DNR FracComments
Subject: comments on proposed rules for fracking chemical disclosure

Dear BOGC,

I am pleased the Board is proposing some rules for disclosure of the chemicals used in hydraulic fracturing (fracking), but I believe they must be strengthened in several important areas.

I live in Park County where there is currently exploration for deep gas on the west side of the Crazy Mountains. I share the concerns expressed by our county commissioners and many other members of the public that the rules that have been proposed do not go far enough. Most importantly, the information on the chemical components used in hydraulic fracturing needs to be made easily available to the public in one location and in one understandable format on the BOGC website. The waiver provided in New Rule II part 4 is inappropriate and only serves to confuse the public and obscure the disclosure. The information needs to be in one place. The companies must provide the information to the Board so the public will know where and how to retrieve that information. Disclosure should apply any time an operator is fracking a well, therefore wildcat or exploratory wells must be covered also. The potential for chemical pollution exists with the method of stimulating the well.

Any claim of "trade secret" to avoid disclosure must be verified and, if such a claim is found to be legitimate, the chemical in question still must be identified to the BOGC, which could disclose it to emergency response personnel in an emergency or medical professionals when necessary.

People across the country are already suffering the physical and neurological consequences of ingesting fracking chemicals that have entered their groundwater. Strong disclosure rules and insistence on more transparency is a minimal step in making sure this does not happen in Montana.

Also, for potentially affected landowners in our area, holding a public meeting in Sidney was a joke. The BOGC should notice and hold another meeting in Big Timber or Billings so it is reasonably accessible.

Sincerely,

Julia Page
Box 608
Gardiner, MT 59030
406-848-7571

Richmond, Tom

From: MontanaPetroleum [MPA@montanapetroleum.org]
Sent: Thursday, June 23, 2011 1:34 PM
To: DNR FracComments
Subject: MPA Comments regarding Frac Rule
Attachments: MBOGC Frac Rule Formal - FINAL - June 23, 2011.pdf

Please include the attached comments from Montana Petroleum Association regarding the hydraulic fracturing rule that closes today at 5:00pm.

Thank you,
Dave Galt, Executive Director
Montana Petroleum Association
PO Box 1186
Helena, MT 59624
406-442-7582
406-443-7291 fax
www.montanapetroleum.org

David A. Galt
Executive Director

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Bruce Williams
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Lisa Wynn
XTO Energy

June 23, 2011

Mr. Thomas Richmond, Administrator
Montana Board of Oil and Gas Conservation
2535 St. Johns Avenue
Billings, MT 59102

Dear Mr. Richmond:

On behalf of the members of the Montana Petroleum Association (MPA), we appreciate the opportunity to offer our thoughts and reaction to your draft rules regarding hydraulic fracturing (HF). Both of us recognize the importance of HF in development of domestic resources, unfortunately HF is the subject of contention with those who would like to prevent oil and gas development.

MPA members are concerned that notice of an HF technique in advance of the treatment could be used by those that oppose the practice as a means to contest the permit. MPA appreciates the effort in this rule to provide flexibility in the event of last minute changes. MPA also appreciates the effort in the rule to eliminate redundant and time consuming permitting processes.

Specific Comments:

NEW RULE 1

MPA understands that the mechanism that the Board has chosen for advance chemical disclosure is to tie the fracturing treatment notice to the permit to drill. We appreciate the Board's thought that such an action would not create another process for a stimulation activity. Given that the permit to drill can be as much as several months in advance of the treatment, MPA believes there needs to be more flexibility or reduction in the information you require. Stimulation designs often change based on data from the well drilling process, even in known fields. MPA suggests the following for New Rule 1:

- a) Clarify that the use of estimates in Rule 1, paragraph 3 carries through all the subparts. This rule could be read to allow estimates of the total volume of treatment to be used, but specifics for components. Such an interpretation would be problematic since volumes can change significantly after an APD is filed and before the treatment is done.
- b) Rule I (3) (e), is difficult to provide this early in the process and is not related to chemical disclosure. The requirements for treating pressure should be removed.
- c) The allowance for submission of generic design submission is important. Sections in Rule 1 under (3) (e) (i) and (ii) should be placed in a new section 4 in New Rule 1. This is vital to ensure that this option meets the disclosure requirements to the Board under the entire New Rule 1 and not just subpart 3.

MPA suggests that the Board make changes to New Rule 1 to ensure that it is clear that estimates and/or generic filings with the APD meet the requirements of the rule. As written the rule leaves too much room for interpretation that MPA believes could lead to problems and delay.

NEW RULE 2

Under paragraph 1(c) the requirement for rates and pressures should be deleted since the purpose is to disclose chemicals not reveal processes and methods.

Paragraph 2:

This provision generally would require the post-frac disclosure of only additive-level information, including a description of the "additive type" and the "rate or concentration for each additive" as applied during the HF treatment. However, the draft rule also requires that the "chemical compound name and Chemical Abstracts Service (CAS) number" be provided "for each additive used," even though additives generally do not have unique CAS numbers - only the constituents within an additive would typically have a CAS number. To clarify this provision - and since the regulation generally requires only additive-level information - we recommend that the reference to "chemical compound name and Chemical Abstracts Service (CAS) number" be stricken. The draft rule should instead require a description of the "name of each additive used" and not the compound name and CAS number.

Paragraph 4:

We agree with the statement of goals offered by the Administrator at the rule hearing as the reasons for the rule. Industry and government have spent significant resources developing the Interstate Compact Commission/Groundwater Protection Council's hydraulic fracturing website. MPA suggests that the Board remove the uncertainty that this website will be a satisfactory disclosure mechanism, by saying the Administration **shall** waive the requirements of paragraphs 2 and 3, instead of leaving that waiver discretionary.

NEW RULE 3

MPA has reviewed comments submitted to the Board by MPA member, Halliburton Energy Services Inc. They have made several points regarding this section, and MPA concurs. Understanding Montana's legal history on trade secret information is crucial and MPA supports the Halliburton comments.

In addition to medical professionals who are required to maintain confidentiality of trade secret information that they receive, MPA suggests that all parties who have information considered to be trade secrets are held to the same standard, including the third parties that may be involved.

NEW RULE 4

MPA is concerned that pressure testing requirements in paragraph 3 are too stringent and suggest the following language:

- a. A casing pressure test will be considered successful if the pressure applied has been held for 30 minutes with not more than 10% loss, or 10 minutes with not more than a 5% loss.

NEW RULE 5

MPA suggests lifting the limit in paragraph 2 to 10,000 gallons, which would be equivalent to one twin trailer load, which is quite common.

Thank you for the opportunity to offer comment on this draft rule.

Best Regards:

A handwritten signature in black ink, appearing to read "David A. Galt", written in a cursive style.

David A. Galt
Executive Director
Montana Petroleum Association

Richmond, Tom

From: christina quijano [cmquijano@hotmail.com]
Sent: Thursday, June 23, 2011 2:01 PM
To: Richmond, Tom; DNR FracComments
Subject: hydraulic fracturing

Dear Mr. Richmond,

As a physician I am very interested in matters that affect the health and safety of Montanans. As plans move forward to bring hydraulic fracturing to Montana, I am concerned and disturbed that there have not been adequate hearings. I don't think one hearing in Sidney allows adequate access for the rest of Montanans that may be affected by hydraulic fracturing. From a public health standpoint, I feel strongly that there must be rules and regulations that require the disclosure of chemicals used in hydraulic fracturing. It is imperative that there is an additional hearing in Billings in order to allow access for a wider discussion, and facilitate greater involvement and input from Montana's medical community.

Thank you for your consideration regarding this urgent matter,

Christina Quijano, MD MPH

Richmond, Tom

From: Angela Helvey [helveya@gmail.com]
Sent: Thursday, June 23, 2011 2:08 PM
To: DNR FracComments
Subject: Fracking

Hello,

I heard a Northern Plains Resource Council broadcast on KEMC recently, in which they asked for comments on the above. I believe that fracking is not a good thing, because as I understand it, it does harm our water, contrary to what some would assert.

Sincerely,

Angela Helvey

Richmond, Tom

From: Grant Black [gblack@samson.com]
Sent: Thursday, June 23, 2011 2:22 PM
To: DNR FracComments
Cc: Mark Dalton; Ron Gober; DJ Ponville; Chad McLawhorn; Craig Reid; Mike Gable; Rich Frommer
Subject: Comment submittal on draft well stimulation reporting rule
Attachments: Document.pdf

Mr. Tom Richmond:

Attached please find Samson Resources Company's comments on the Board's proposed well stimulation reporting rule.

Should you have any questions please contact me using the number below.

Thank you for the opportunity to comment.

Grant E. Black
Samson
Director of Governmental Affairs
Two West Second Street
Tulsa, Oklahoma 74103
Office: (918) 591-1234
Cell: (918) 805-1416
gblack@samson.com

Samson Plaza
Two West Second Street
Tulsa, Oklahoma 74103-3103
USA
918/591-1791
Fax 918/591-1796

June 23, 2011

Mr. Thomas Richmond
Administrator/Petroleum Engineer
Department of Natural Resources
Montana Board of Oil and Gas Conservation
2535 St. Johns Avenue
Billings, Montana 59102

RE: Comments on Montana Proposed Rules for Well Stimulation Reporting

Dear Mr. Richmond:

Samson Resources Company ("Samson") appreciates the opportunity to offer comments on the above-referenced proposed oil and gas well stimulation reporting rules. Samson supports the Montana Board of Oil and Gas Conservation's ("Board") effort to provide an appropriate level of review and public disclosure of information regarding hydraulic fracturing and other well stimulation treatments used to complete oil and gas wells in Montana.

Samson supports appropriate regulatory oversight and public disclosure of hydraulic fracturing information. With that in mind, Samson is a voluntary participant in the national "FracFocus" model registry, the publicly-accessible website developed jointly by the Interstate Oil and Gas Compact Commission and the Groundwater Protection Council ("IOGCC/GWPC"), and agrees with the Board's use of the registry as a means of compliance with Montana's proposed disclosure rules.

In general, Samson believes that regulatory oversight and disclosure of hydraulic fracturing components should be commensurate with the level of risk posed by such activities. The most commonly expressed concern about hydraulic fracturing is that it may contaminate underground freshwater aquifers. Samson believes, and the factual record supports the conclusion, that hydraulic fracturing poses a very low risk of groundwater contamination because there are usually several thousand feet of solid rock separating fresh groundwater zones from hydraulically fractured geologic formations and the probability that fractures will be propagated through thousands of feet of intervening rock layers and into fresh groundwater aquifers is extremely low. We believe the Board's wellbore casing and cementing requirements assist in dramatically reducing the risk of groundwater impact resulting from hydraulic fracturing. We believe the Board's proposed rules provide an appropriate level of regulatory oversight and public disclosure.

Samson supports the Board's proposed rules because Samson believes that state-level regulation is preferable to federal regulation. Samson strongly believes that regulatory oversight and management of hydraulic fracturing and other well stimulation activities should reside with state agencies that have extensive experience regulating the oil and gas industry and possess the knowledge of local and state conditions necessary to develop and implement effective regulatory programs.

While Samson supports the Board's effort to provide regulatory oversight and public disclosure for oil and gas well stimulation activities, Samson offers the following more specific comments to improve and clarify the scope and effect of the proposed rules. Samson has reviewed the proposed changes submitted by Devon Energy ("Devon") to the Board and agrees with those suggested changes.

With respect to Rule 1, subsection (1), Samson, in general, does not object to disclosing proposed hydraulic fracturing information and other proposed well stimulation activities via the Board's application for permit to drill form. However, hydraulic fracturing treatments (and other well stimulation activities) are typically finalized only after a well has been drilled and definite information obtained about the target reservoir. Prior to drilling a well, the scope and details of hydraulic fracturing, and other well completion treatments that may be performed are uncertain, and therefore only general information on anticipated well treatment activities can be provided. The unavailability of definitive information on hydraulic fracturing or other well stimulation activities before a well is drilled would impede Board review and approval of such well completion information as a condition for issuing a drilling permit.

Samson also agrees on the necessity to address instances when hydraulic fracturing or other well stimulation treatments have not been proposed prior to starting drilling operations. Samson suggests that in these instances Operators be allowed provide notice to the Board of planned hydraulic fracturing or other well stimulation activities by submitting a Form No. 2 Sundry Notice to the Board at least 24 hours prior to initiating such activities.

Samson supports the Board's proposed Rule II regarding the disclosure of stimulation fluids as modified by the proposed language submitted by Devon. Samson particularly supports the Board's proposed Rule II, subsection (4) which allows Operators to meet Rule II hydraulic fracturing disclosure requirements by posting the required information on the hydraulic fracturing national registry website jointly developed by the IOGCC/GWPC known as "FracFocus". Samson does however suggest the addition of language in this section to reflect the specific name of the website i.e. "FracFocus" and further acknowledge the possibility of successors to this site in the future.

Samson supports the proposed Rule III addressing proprietary chemicals and trade secrets as revised by the suggested changes offered by Devon. Samson also generally supports the Board's proposed Rules IV and V. Samson recommends the addition of language to Rule V requiring prior notice to the Board of planned work on an existing well by filing a Board Form No. 2 at least 48 hours before commencement of such work. Samson also suggests additional language to proposed Rule V allowing planned work on an existing well to proceed upon the earlier of Board approval of the submitted Form No. 2 or the expiration of the 48-hour notice period.

Samson appreciates this opportunity to provide comments on the Board's proposed rules regarding oil and gas well stimulation. Samson looks forward to working with the Board to produce final rules that address the needs and concerns of the citizens of Montana and that provide appropriate guidance and direction to the oil and gas industry.

Sincerely,

Samson Resources Company



Grant E. Black
Director of Governmental Affairs

Richmond, Tom

From: Svein Newman [svein.newman@gmail.com]
Sent: Thursday, June 23, 2011 2:29 PM
To: DNR FracComments
Cc: Richmond, Tom
Subject: Hold a second hearing!

To Whom it May Concern,

Though Sidney is a reasonable place to hold a public hearing on oil and gas, it cannot be a reasonable sole location for a hearing. As you well know, Montana is a large state. A drive from, for instance, Libby to the Sidney hearing would take over 12 hours. It is unreasonable to expect landowners, often working farmers and ranchers, to make that drive. And, when it is their property that would be affected by spills, breaks, etc., it is their voices that deserve to be heard. As fracking heads west in Montana (as it becomes a more and more prevalent technology, and more and more of the state is leased for drilling), those voices will increasingly matter.

Given this, a second hearing must be held, preferably in a more central community that can more readily accommodate travelers- Billings, for instance. As the home of the Board of Oil and Gas, this shouldn't seem like too unreasonable a request.

I would also like to take this opportunity to lodge some other concerns I have. Prior notification for landowners of all chemicals that are to be used is critical, as they need to be able to do baseline testing. Any landowners within 1 mile should be given written notification prior to drilling.

Also, the rules need to be strengthened. "Trade secret" exemptions leave the rules much weaker than they otherwise could be. You should adopt a process like Wyoming's, where companies have to apply to their Board of Oil and Gas and actively provide a reason for any trade secret exemptions. Additionally, even if the chemical is listed as a trade secret, it is still disclosed to the Board of Oil and Gas but not the public.

There's another place where the rules need to be strengthened as well. The exemption from disclosure if the company posts any information to the IOGCC website or any other public internet repository is a poor one- it risks leaving landowners hunting in the dark across multiple sources. All chemicals should be posted on the BOGC website.

In short- we need strong rules. No exempt wells (exploratory, wildcat, or otherwise). No blanket trade secrets. No diffusion of data to the point where it becomes unfindable in practice, if not in theory. No waiting until landowners' water is already possibly impacted before giving them the information they need to establish baseline data.

Thanks for your consideration,

Svein Newman
44 Alderson Ave.
Billings, MT 59101

Richmond, Tom

From: T K Hohn [tkhohn@hohneng.com]
Sent: Thursday, June 23, 2011 2:31 PM
To: DNR FracComments
Subject: MBOGC - Proposed Frac rules

I am a Registered Professional Petroleum Engineer in Montana, North Dakota, Wyoming and Oklahoma. I have worked in the industry since 1974 and since 1984 have had my own petroleum engineering consulting practice. Since 1987, my business has been based in Billings.

Throughout my career, I have had considerable exposure and experience with hydraulic fracturing as a means of well stimulation. Without this process as a tool for improving recoveries of oil and gas, several of the Montana productive fields would not be commercial. Over the last 20 years I have personally supervised hundreds of frac jobs in Montana and neighboring states. There has not been a single incident of harm to the environment or underground water resources in any of the jobs that I have been involved with. This track record has been achieved under the regulatory rules and industry practices that have existed for decades.

As with all industries over recent decades, the oil and gas industry has worked hard to be more environmentally sensitive and continues to develop chemistry that is safer and friendlier to the environment. Much of the rhetoric about "toxic or unsafe" materials that the industry uses is simply not based in fact.

Hydraulic fracturing techniques are critical to making much of the world's remaining energy resources economic. It is critical that the rules regarding this process are controlled by sound science and not emotion.

I fully support the rules as proposed by the MBOGC. I feel they are more than adequate to address public safety issues as well as any environmental concerns that may arise.

Sincerely,

Thomas K. Hohn, P.E.
Hohn Engineering, PLLC
2708 1st Ave N., Suite 200
Billings, MT 59101

(406) 294-4646
(406) 655-3383 fax
tkhohn@hohneng.com
<http://www.hohneng.com>

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Richmond, Tom

From: Jennifer Bezanson [bezansonj@gmail.com]
Sent: Thursday, June 23, 2011 2:52 PM
To: DNR FracComments
Subject: comment

To Whom Maybe Concerned

-- The chemical information for any fracturing fluids used needs to be easily accessible by the public in a common area such as the Board of Oil and Gas Conservation website.

-- These chemicals need to be disclosed in advance in order for landowners in areas such as Sweet Grass County to begin baseline water testing. All landowners with water wells and springs within a 1-mile radius of the proposed well to be fracked must receive written notification of the planned chemicals to be used.

-- If the state Board of Oil and Gas Conservation decides it needs to be in the business of enforcing trade secrets over protecting water resources, then companies should at least have to apply to the BOGC and actively provide a reason for any trade secret exemptions. Even if the chemical is listed as a trade secret, it still must be disclosed to the BOGC.

Thank you,

Jennifer Bezanson

Richmond, Tom

From: Cathy Watson [CWatson@tranelfirm.com]
Sent: Thursday, June 23, 2011 2:53 PM
To: DNR FracComments
Subject: Comments re: New Rules I through V
Attachments: 2011.06.23 Comments of Coal Bed Methane.pdf

Tom:

Attached please find our *Comments of the Coal Bed Methane Protection Act Committee*.

Thank you.

Cathy Watson
Tranel, McCarter & Morris, PLLC
30 West 14th Street
Suite 204, Empire Block
Helena, MT 59601
(406) 513-1114
[Tranel, McCarter & Morris, PLLC](#)

BEFORE THE BOARD OF OIL AND GAS CONSERVATION AND
THE DEPARTMENT OF NATURAL RESOURCES
AND CONSERVATION OF THE STATE OF MONTANA

In the matter of the adoption of New)
Rules I through V regarding oil and gas)
well stimulation)

Comments of the Coal Bed Methane Protection Act Committee

I. Introduction

The 2001 Montana Legislature adopted the Coal Bed Methane Protection Act (“Act”). Sections 76-15-901 MCA through 76-15-905 MCA. The purpose of the Act is to compensate private landowners and water right holders for certain damages that are attributable to the development and/or production of coal bed methane. See § 76-15-902(5) MCA.

The Act assigns administrative authority over the Program to Conservation Districts that have coal beds within their exterior boundary, or whose water sources (ground or surface), may be adversely affected by the extraction and/or development of coal bed methane. The Coal Bed Methane Protection Act Committee (“Committee”), consisting of representatives from the Big Horn, Custer, Carbon, Carter, Powder River, Rosebud, Treasure, Wibaux, Garfield, Gallatin, Yellowstone and Prairie Conservation Districts, prepared rules and procedures pursuant to which compensation may be allowed under the Act. The rules are attached to these comments as Exhibit A and included by this reference.

The Committee submits the following comments on the Board of Oil and Gas Conservation's ("Board") proposed adoption of New Rules I through V as set forth in the May 26, 2011 publication of the Montana Administrative Register, Issue No. 10, (MAR Notice No. 36-22-157).

II. Discussion

The proposed rules establish disclosure obligations of proposed well stimulation activities (New Rule I) and well stimulation fluids to be used for hydraulic fracturing treatments (New Rule II). The rules also address disclosure of "proprietary chemicals and trade secrets" (New Rule III).

The Committee requests the Board of Oil and Gas consider the disclosure obligations contained in the proposed rules in light of the Committee's rules and procedures governing compensation to private landowners and water rights holders under § 76-15-902(5) MCA. New Rule III contains an exception under which health professionals may obtain the chemical constituents of a trade secret product (New Rule III(3)); an exception requiring disclosure to address emergency situations (New Rule III(2)); and an exception requiring disclosure to health professionals where a medical emergency exists (New Rule III(4)).

An additional exception should be included to allow disclosure to private landowners or water right holders who may be adversely affected by the extraction and/or development of coal bed methane.

Private landowners and water right holders are only eligible for compensation under the Act if they show: loss of agricultural production and income; lost land value;

2. COMMENTS OF THE CBMPAC TO MAR NOTICE NO. 36-22-157.

lost value of improvements; or for water right holders, contamination, diminution, or interruption of surface or ground water caused by coal bed methane development.

Landowners and water right holders seeking compensation for damage to their property interests must complete the Application attached to the Rules and Procedures. The Application sets out a minimum level of evidence necessary to conclude that a claim is valid, and merits compensation.

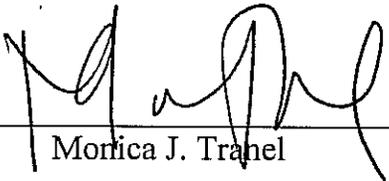
In order for landowners and water right holders to provide adequate information to support a claim of harm, they must be able to ascertain what chemical constituents of trade secret products have been used in a way that would affect their property interests. If necessary, these landowners and water rights holders could execute a nondisclosure agreement, as is proposed for health professionals under New Rule III(3) and New Rule III(4). However, there should be an exception allowed for landowners and water right holders that enables them access to this information when necessary to complete claims for compensation pursuant to § 76-15-902(5) MCA.

III. Conclusion

Accordingly, the Committee requests the Board include in the Rules a provision requiring disclosure of chemicals used in the fracturing process to local landowners and water right holders who are seeking compensation pursuant to § 76-15-902(5) MCA . Absent that minimum level of disclosure, adoption of New Rules I through V would create serious legal concerns, economic harm, and practical complications for these private landowners and water right holders.

Respectfully submitted this 23rd day of June, 2011.

TRANEL, McCARTER & MORRIS, PLLC



Monica J. Tranel

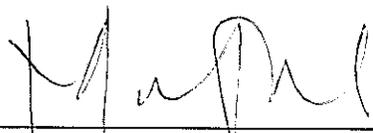
CERTIFICATE OF SERVICE

I hereby certify that the foregoing was served on all parties of record by depositing a true and correct copy in the US Mail, postage pre-paid on the 23rd day of June, 2011 addressed as follows:

Jerry Lunde
Big Horn Conservation District
Chair, Coal Bed Methane Protection Account Committee
HC 59 Box 19
Decker, MT 59025
badwater@rangeweb.net

Monica J. Tranel, Attorney for the CBMPAC
Tranel, McCarter & Morris, PLLC
Great Northern Town Ctr
30 West 14th St., Suite 204
Helena, MT 59601
mtranel@tranelfirm.com

Tom Richmond
Dept. of Natural Resources and Conservation
2535 St. Johns Avenue
Billings, MT 59102
FracComments@mt.gov



Monica Tranel

RULES AND PROCEDURES
For Implementing the Coal Bed Methane Protection Act
(Title 76, Chapter 15, Part 9, Montana Code Annotated)

(Effective after July 1, 2011)

Administered locally by the _____ Conservation District

Mailing Address: _____

Phone: _____

Fax: _____

Contact Person: _____

1. DESCRIPTION OF THE ACT

A. Overview. The Coal Bed Methane Protection Act ("Act"), which is set forth at § 76-15-901 MCA through § 76-15-905 MCA, established the Coal Bed Methane Protection Program ("Program") for the purpose of compensating private landowners and water right holders for certain damages that are attributable to the development and/or production of coal bed methane. See § 76-15-902(5) MCA.

B. Conservation District Authority. The Act assigns administrative authority over the Program to local Conservation Districts that have coal beds within their exterior boundary or whose water sources (ground or surface), land values, or agricultural production may be adversely affected by the extraction and/or development of coal bed methane. See § 76-15-905(1), MCA. Conservation Districts meeting these criteria are directed to establish procedures for evaluating claims for compensation submitted by a private landowner or a water right holder. Conservation Districts have authority to approve or deny claims for compensation; and also to receive compensation for their administrative expenses under the Program. Compensation comes from the Coal Bed Methane Protection Account ("Account"), which is administered by the Department of Natural Resources and Conservation ("DNRC").

C. Department of Natural Resources and Conservation Authority. The Act assigns DNRC the responsibility to administer the funds in the Account for use by the Conservation Districts. See § 76-15-904(6), MCA. DNRC is also responsible for approval of Conservation District-established procedures for



evaluating claims for compensation under the Act. In the interest of encouraging a consistent approach among Conservation Districts administering the Act, the Coal Bed Methane Protection Act Committee (“Committee”), consisting of representatives from the Big Horn, Custer, Carbon, Carter, Powder River, Rosebud, Treasure, Wibaux, Garfield, Gallatin, Yellowstone and Prairie Conservation Districts, with approval by DNRC, has prepared the procedures, guidelines, and forms contained in this document. Each Conservation District may develop its local procedure. The DNRC’s role is limited to approval of the Conservation District’s rules and administration of funds in the Account. Other than review of the rules and procedures, the DNRC has no review authority over the Conservation District’s decisions or actions implementing the Act.

2. DEFINITIONS. In these Rules and Procedures, the following terms shall be defined as follows:

A. “Agricultural Production” means the production of: (i) any growing grass, crops, or trees attached to the surface of the land; or (ii) farm animals with commercial value.

B. “Caused by Coal Bed Methane Development” means a change, impact, circumstance or effect of the type described in any relevant provision below, that has a demonstrable causal relationship to Coal Bed Methane development and/or extraction. If the involved change, impact, circumstance, or effect has a material causal relationship to something other than Coal Bed Methane development and/or extraction (such as drought, etc.), then the change, impact, circumstance, or effect shall be considered to be caused by Coal Bed Methane development and/or extraction only to the extent it can be attributed to Coal Bed Methane development and/or extraction.

C. “Claim” means an application for compensation for damages under the Program. In respect to damages that may be seasonal, cyclical, recurrent, or temporary in nature (for example, annual crop losses), a Claim encompasses all aspects of the damages for which compensation may be available under the Act.

D. “Coal Bed Methane Developer or Operator” means the person who acquires a lease for the purpose of extracting natural gas from a coal bed.

E. “Contamination, Diminution, or Interruption Of Surface Water or Ground Water” means:

- (i) the introduction of any element, compound, or other physical item to surface water or ground water which reduces or prevents in any way its ability to be beneficially used; or

- (ii) any temporary or permanent reduction in flow, hydraulic head, flux, or occurrence of surface water or ground water which reduces or prevents in any way its ability to be used beneficially.

The Minimum Filing Requirements necessary to establish the Contamination, Diminution, or Interruption of Surface Water or Ground Water are set forth in the Application Form, attached hereto.

F. “Conservation District” means the Conservation District having its offices located in the Conservation District in which the damage occurred.

G. “Improvement” means any structure placed on land used in Agricultural Production, any physical alteration made to land used in Agricultural Production, or any structure used in the appropriation and use of a water right.

H. “Loss of Agricultural Production and Income” means any reduction in the productive capacity of land involved in Agricultural Production resulting in a loss of income to a Private Landowner. The Minimum Filing Requirements necessary to establish a Loss of Agricultural Production and Income are set forth in the Application Form, attached hereto.

I. “Lost Land Value” means an objectively demonstrable reduction in the fair market value of land owned by a Private Landowner. The minimum filing requirements necessary to establish Lost Land Value are set forth in the Application Form, attached hereto.

J. “Lost Value of Improvements” means any reduction in the monetary value, capacity, effectiveness, or utility of an Improvement. The minimum filing requirements necessary to establish Lost Value of Improvements are set forth in the Application Form, attached hereto.

K. “Minimum Filing Requirements” means the specific method of filing an application and the required material that must be submitted with the application, all as set forth in the attached Application Form that is made part of these Rules and Procedures by this reference and which is adopted by the Conservation District by its inclusion with these Rules and Procedures.

L. “Private Landowner” means any individual person or entity that holds the legal title to the surface estate of land. The term shall not include:

- (i) lessees;
- (ii) the state of Montana and its political subdivisions;

- (iii) the federal government; or
- (iv) an Indian tribe to the extent the Tribe's interest in land is subject to a trust restriction on alienation.

For purposes of these Rules and Procedures, all land owned by the same person or entity, and all land owned by persons or entities that are managed jointly or subject to common control, shall be deemed to be owned by the same landowner.

M. "Water Right Holder" means a person or entity, or his duly-authorized representative, which holds a legally-recognized right to the use of water. For purposes of these Rules and Procedures, all water rights held by the same person or entity, and all water rights held by persons or entities that are managed jointly or subject to common control, shall be deemed to be held by the same Water Right Holder.

3. ELIGIBILITY REQUIREMENTS. An Applicant must satisfy the following criteria to be eligible for compensation from the Program:

A. The Applicant must be an eligible recipient for compensation as set forth in § 76-15-905(3), MCA.

B. If a Private Landowner, the Applicant must establish one or more of the following:

- (i) Loss of Agricultural Production and Income Caused by Coal Bed Methane Development;
- (ii) Lost Land Value Caused by Coal Bed Methane Development;
- (iii) Lost Value of Improvements Caused by Coal Bed Methane Development.

C. If a Water Right Holder, the Applicant must establish the Contamination, Diminution, or Interruption of Surface Water or Ground Water Caused by Coal Bed Methane Development.

D. The Applicant must demonstrate that it is unlikely that compensation will be made by Coal Bed Methane Developers or Operators for damages that are the subject of the Claim.

E. The Applicant must demonstrate that he/she does not have access to other existing sources of state funding, including state-mandated payments, to compensate for the damages that are the subject of the Claim.

F. The Applicant must agree to reimburse the Coal Bed Methane Protection Account for any future compensation received from Coal Bed Methane Developers or Operators, or from any governmental agency or authority acting under coal bed methane development regulatory authority, for damage to land, agricultural production, improvements, surface water, or ground water, that is the subject of the Claim.

G. The amount paid to each Private Landowner or Water Right Holder for each Claim may not exceed 75 percent of the cost of the damages for that Claim.

H. The amount paid to each Private Landowner or Water Right Holder, regardless of how many Claims he or she may make or in what capacity, may not exceed \$50,000 in the aggregate.

I. The Applicant must demonstrate that he or she has not already received compensation under the Act for the same Claim.

4. APPLICATION PROCESS.

A. An Applicant must submit an Application to the Administrator of the Conservation District in the County in which the damage occurred using the Application Form attached hereto. An Application will not be considered filed until it is complete. The review period for the Application shall not commence until such time as the Administrator designates the Application as complete. Incomplete Applications will not be considered for funding.

B. The Administrator will initially identify any additional information requirements or Application deficiencies and will communicate the same to the Applicant within five (5) working days of receipt of the Application. The Applicant shall provide the requested additional information within ten (10) working days. If, upon request, no additional information is provided within the ten-day period, the Application will be denied without prejudice, and may be resubmitted at a later date with the additional information. The Application will be considered filed and will be given a filing date and time upon receipt of the additional information and designation by the Administrator that the Application is complete for filing.

C. Two members of the Board of Conservation District Supervisors, and their designated technical advisors, will constitute the Application Review Team ("ART"). Technical advisors shall be non-voting, advisory members of the ART. The decision-making authority of the ART shall rest with the designated Supervisors. The ART, including its advisors, shall have the discretion to request any supplemental information from the Applicant as necessary. The ART may request the Applicant or a representative to be present at a site visit to gather further information regarding the Claim.

5. DECISION PROCESS

A. Upon receipt of a complete Application, the Conservation District Administrator will distribute copies of the Application to the Application Review Team ("ART") within ten (10) working days, and schedule an initial review meeting and/or teleconference of the ART within twenty (20) working days of receipt of the complete Application by the Administrator.

B. Within forty-five (45) working days of the receipt of a complete Application by the ART, the ART will prepare and provide to the Conservation District Board of Supervisors, and to the Applicant, a written proposed decision. The ART or the Administrator may in writing extend this time by one thirty (30) working day period. The proposed decision shall contain a statement of the reasons for the proposed decision, and shall recommend that the Application be granted or denied (in whole or in part), or granted on condition. If the ART cannot agree on a proposed decision, each voting member of the ART may present a proposed decision to the Conservation District's Board of Supervisors.

C. The Applicant may submit written exceptions to any proposed decision prepared by the ART or any member of the ART.

- (i) To be timely, the exceptions must be submitted to the Administrator of the Conservation District within ten (10) working days of the service of the proposed decision. Service is as defined in 5(F), below. A written request for additional time to file exceptions may, in the discretion the Administrator, be granted upon a showing of good cause. The ten-day period may be waived upon request of the Applicant.
- (ii) Exceptions must specifically set forth the precise portions of the proposed decision to which exception is taken, and the facts and authorities upon which the Applicant relies. In the exceptions, the Applicant may present additional information pertaining to the

Application and may request a hearing before the full Board of Supervisors.

D. Within thirty (30) working days after written exceptions are submitted, or, if a hearing is requested within sixty (60) working days after written exceptions are submitted, the Conservation District Board of Supervisors shall:

- (i) adopt the proposed decision as the Conservation District's final decision on the Application; or
- (ii) reject or modify the proposed decision; or
- (iii) hold a hearing, if requested, and after such hearing adopt the proposed decision as the final decision or reject or modify the decision; and
- (iv) serve a copy of the Conservation District's final decision upon the Applicant within five working days of the date it is issued.

E. Only information that has been presented to or determined by the ART, or which is otherwise presented through the exceptions process before the Board, may be considered by the Board in the decision-making process.

F. All notices and decisions on an Application shall be deemed to be served on the Applicant on the day they are deposited in the United States mail to the address listed on the Application.

6. APPLICATION DETERMINATION, RANKING, AND PAYMENT

A. In order to approve an Application and request disbursements of funding from DNRC the Conservation District must:

- (i) record the date and time upon which each Application was designated as complete for filing;
- (ii) find that the Applicant has demonstrated, on a "more likely than not" basis, the criteria in paragraphs 3.A. through 3.I., above;
- (iii) rank the Application based on the criteria set forth in paragraph B., below; and

- (iv) complete an agreement with DNRC containing the purpose, scope of work, budget, timeframe and (if applicable) the reimbursement procedure for the approved compensation.

B. The Conservation District shall assign an Application Ranking Score to all approved applications according to the following criteria:

- (i) the loss or damage poses a significant threat to human health, safety, or welfare (high, medium, low); and
- (ii) the loss or damage will result in significant financial loss to the Applicant (high, medium, low).

C. DNRC shall disburse funds from the Coal Bed Methane Protection Account as requested by the Conservation District under the Program as follows.

- (i) Within five (5) working days of approval of the Application, the Conservation District shall notify DNRC of the approved claim, including the filing date and time, which establishes the application completion date, and the application ranking score, and shall provide the DNRC with a copy of the Application and the District's final decision.
- (ii) In accordance with the procedures set forth herein, the Department shall disburse funds available from the Coal Bed Methane Protection Account to applicants on a first-come first-served basis, as established by the filing date of each approved Claim.
- (iii) In the event that two or more Claims are presented for funding with the same filing date and time, the DNRC shall fund all such Applications on a proportionate basis.
- (iv) Disbursements by DNRC shall be made directly to the Conservation District, along with the Conservation District's administration fee. On receipt of funds, the Conservation District shall make the appropriate disbursement to the Applicant. The Conservation District shall have no responsibility to provide any funds to an Applicant until it receives funds from DNRC.

Form date: 5/23/2011

Received by: _____
APPLICATION COMPLETE
Date: _____
Time: _____

APPLICATION FORM
COMPENSATION FOR LOSS OF GROUNDWATER, SURFACE WATER
OR DAMAGE TO LAND OR VALUE
(effective after July 1, 2011)

Under The:
COAL BED METHANE PROTECTION ACT
(§ 76-15-901 through § 76-15-905, MCA)
CLAIM APPLICATION AND MINIMUM FILING REQUIREMENTS

Administered by the:

_____ Conservation District

Mailing Address:

Phone:

Fax:

Contact Person:

Use this form to apply for compensation for damage to land and to water quality and availability as provided under the Coal Bed Methane Protection Act, 76-15-901 to 905, et seq, MCA. All information must be legibly printed or typed, except where signatures are required. Contact your local Conservation District for additional information and guidance in completing this process. Additional information may be requested by the reviewers.

PLEASE NOTE: AN APPLICATION WILL NOT BE GIVEN A FILING DATE, WHICH ESTABLISHES FUNDING PRIORITY, UNTIL IT IS DEEMED COMPLETE. INCOMPLETE APPLICATIONS WILL NOT BE CONSIDERED FOR FUNDING.

This Application form establishes the Minimum Filing Requirements for compensation as described in the compensation claim Rules and Procedures. Terms used in this Application have the same meaning as set out in the compensation claim Rules and Procedures and the Act. The completion of this Application and the Application process must follow the steps outlined in the Rules and Procedures (available from your Conservation District Administrator).

Fill in only those sections which apply to your impact.

A. APPLICANT INFORMATION

I am submitting this application as: ___ landowner ___ water right holder ___ both

Name: _____

Mailing Address: _____

City/State/Zip _____

Physical Address: _____

City/State/Zip _____

Contact Person (if different from above): _____

Phone: Home _____ Cell _____ Other _____

Email: _____

B. TYPE AND LOCATION OF IMPACTED RESOURCE

Type of resource impacted:

- i. _____ Loss of Agricultural Production and Income Caused by Coal Bed Methane Development;
- ii. _____ Lost Land Value Caused by Coal Bed Methane Development;
- iii. _____ Lost Value of Improvements Caused by Coal Bed Methane Development;
- iv. _____ [For Water Right claims only] Contamination, Diminution, or Interruption of Surface Water or Ground Water Caused by Coal Bed Methane Development.

Nearest Town: _____

County: _____

Location of well, spring, point of diversion, or field. (Attach additional geographic information if more than one water source or field is impacted.)

___ 1/4 ___ 1/4 ___ 1/4, Section ___, Township ___, Range ___

Latitude _____ Longitude _____ if available

GEO Code _____ if available

Common or local name of impacted resource: _____

Attach a map showing the location of the impacted resource.

C. AMOUNT OF CLAIM

Amount claimed: \$ _____

Provide documentation to substantiate your claim, such as appraisals, cost estimates, bids, or receipts.

D. DESCRIPTION OF LOSS

Provide a description of your loss of water supply or land damage, including the dates of impact or when impact was documented. Please describe what material damages have resulted from or are expected to directly result from the impact? If more space is needed, attach additional pages.

E. DOCUMENTATION OF LOSS

Provide documentation showing the change to your agricultural production or income, land value, improvements value, water quality, or water quantity. Government agencies or private consulting firms may be able to assist you in this step of the Application process. Specific examples are given but responses to this section are not limited to the approaches suggested below. At a minimum, claims must be substantiated and must be demonstrated to relate to coal bed methane activities. Discuss how coal bed methane development caused your loss. Please provide all baseline data available.

Attach a map showing coal bed methane development and demonstrate the relationship to your impacted resources.

1. Loss of Agricultural Production and Income Caused by Coal Bed Methane Development.

Loss of Agricultural Production and Income could be demonstrated by comparing production records or tax records from year to year. The change must exceed that of natural cycles affecting commodities (for example, weather) and must either be directly tied to coal bed methane activities or must be related to coal bed methane development occurrence in proximity to agricultural land.

2. Lost Land Value Caused by Coal Bed Methane Development.

Lost Land Value may best be documented by a land appraiser or other real estate professional. The amount of change must be measurable in the professional opinion of the appraiser and/or real estate professional.

3. Lost Value of Improvements Caused by Coal Bed Methane Development.

Provide the original cost of the improvement and provide professional estimates of the replacement cost or bills for construction costs if applicable. Show how the damage was caused by coal bed methane development. Where cost does not necessarily equate to value, please describe the value of the improvement and an estimated replacement cost, if applicable.

4. [For Water Right Claims Only] Contamination, Diminution, or Interruption of Surface Water or Ground Water Caused by Coal Bed Methane Development.

FOR WATER RIGHT IMPACTS, ATTACH DOCUMENTATION OF YOUR WATER RIGHT

Provide measurements of your well, spring or stream that demonstrate an impact relating to the time when coal bed methane activities occurred. For periods of drought, include historic use or monitoring information that demonstrates that the water source has previously supplied water under similar conditions.

- (i) For groundwater levels in your well that may affect water production rates: the well must fall within the area of impact generally described and mapped in the Montana Bureau of Mines and Geology Annual Coal Bed Methane Regional Groundwater Monitoring Report. Contact your local conservation district supervisor for more information on this report. Generally, a change in the depth must be documented by measurements to be claimed as an impact. Gas released from a well may occur with a change in water levels and must also be documented as a new condition that makes the well unsafe or unusable.
- (ii) For groundwater quality: the well must be in proximity to a potential impact source such as an impoundment used to store or regulate discharge water from coal bed methane wells. A change in groundwater quality must cause a change in usability of the water, which is generally defined in ARM 17.30.1006 (<http://www.deq.mt.gov/dir/legal/Chapters/CH30-10.pdf>). ARM 17.30.1006 classifies groundwater based on natural specific conductance and protects the associated beneficial uses.
- (iii) For springs: the same methods as described for groundwater apply; with the exception that spring flow is substituted for water levels in the well.

(iv) For surface water quantity: both increases and decreases in flow may be considered an impact. Flow data may be available from the United States Geological Survey or the Montana Bureau of Mines and Geology. Changes in flow must be sufficient to impact use, such as the ability to use a pump; or in the case of increased flow it must cause loss of use of crossings or damage to soil and plant communities adjacent to the channel where water has overflowed.

(v) For surface water quality: the impact must cause a change in usability which is generally defined according to categories, as listed in ARM Title 17, Chapter 30, Subchapter 6 of the state water quality rules. Laboratory water-quality data must be submitted. Surface water rules are located at <http://www.deq.mt.gov/dir/legal/Chapters/CH30-06.pdf>

F. LOSS ATTRIBUTABLE TO COAL BED METHANE DEVELOPMENT

Has your well, spring or soil been maintained in reasonably good condition? Provide a statement of inspection by a qualified water supply specialist indicating information that the loss of value is not attributable to insufficient or deteriorated facilities or operations.

G. MITIGATION PLAN

Discuss how compensation from the Coal Bed Methane Account will mitigate your loss or damage and the benefits that will be realized.

H. COAL BED METHANE DEVELOPERS / OPERATORS AND REGULATORS UNLIKELY TO PROVIDE TIMELY COMPENSATION

Was there an access/surface use agreement with a Coal Bed Methane company? If so, discuss why it is not providing relief.

What steps have you taken to establish that compensation is unlikely to be available from the Coal Bed Methane developer or operator operating in the area of the claimed damage? Provide documentation of communication with the appropriate Coal Bed Methane developer or operator and regulatory agencies stating that compensation is unlikely to be available in a timely fashion to avoid substantial damages. Attach a copy of the mitigation agreement, if any.

I. ATTACH ANY ADDITIONAL INFORMATION IN SUPPORT OF YOUR CLAIM

J. ACCESS TO EXISTING SOURCES OF STATE FUNDING

Do you have access to existing sources of state funding, including state-mandated payments that compensate for similar losses? Yes _____ No _____

If yes, please describe the funding source(s), amount(s) and purpose(s) of the funding.

I _____ (LANDOWNER/WATER RIGHT HOLDER) do hereby attest that the information provided is accurate and complete.

Signature: _____ Date: _____

Richmond, Tom

From: Joan Brownell [jbrownel@180com.net]
Sent: Thursday, June 23, 2011 3:09 PM
To: DNR FracComments
Subject: Protect public health, land and water

Dear Mr. Richmond

Montana needs full disclosure of the chemicals used in oil and gas drilling, particularly for hydraulic fracturing.

I urge the Board of Oil and Gas to do the right thing and modify their proposed rules to protect public health and our land and water. The BOGC has a duty to protect the citizens of Montana and these rules as currently written only protect industry.

Also, in order to hear perspectives from around the state, an additional public hearing should held in Billings.

Sincerely,

Joan Brownell
3203 Country Club Cir
Billings, MT 59102

Richmond, Tom

From: Elli Elliott [elli@visi.com]
Sent: Thursday, June 23, 2011 3:20 PM
To: DNR FracComments
Subject: Comments on Disclosure of Fracking Fluids

Dear Members of the Board of Oil and Gas Conservation:

I am writing to indicate my support for FULL disclosure of the fluids used for hydraulic fracturing in the mining of natural gas. People in the areas near these wells deserve to be able to know in advance what is being injected so that they can, at the very least, start baseline testing of their wells. If the chemicals pose no danger, there should be no issue about disclosure.

It is also important that another hearing be held that is more accessible to other areas that will be affected by your decision on this CRUCIAL issue. One hearing in Sydney is simply insufficient for an issue of this magnitude to the citizens of Montana.

I hope you will hold at least one more hearing in Big Timber or Billings.

Thank you,

Elli Elliott
(Dr. Susan M. Elliott)
P. O. Box 1042
Red Lodge, MT 59068
(406) 425-0562
elli@visi.com

Richmond, Tom

From: Kerry Fee [kerry@envirocouncil.org]
Sent: Thursday, June 23, 2011 3:30 PM
To: DNR FracComments
Subject: Well stimulation rule chages comments
Attachments: IMG.pdf

Hi Folks,

Here are my comments on the proposed rule changes for oil & gas well stimulation for our state.

thanks

Kerry Fee

Executive Director

Park County Environmental Council

P.O. Box 164

Livingston, MT. 59047

(406) 222-0723 cell- (406) 579-7734

<http://www.envirocouncil.org>

Park County Environmental Council



Sent via email to: FracComments@mt.gov

June 23, 2011

Tom Richmond, Administrator
Montana Board of Oil and Gas Conservation
2523 St. Johns Ave.
Billings, MT. 59102

Dear Mr. Richmond,

I would like to thank you for allowing me the opportunity to comment on the proposed new rule changes for oil and gas well stimulation in the state of Montana. Park County Environmental Council (PCEC) is very concerned about possible water, air and soil contamination and the effects to our public's health that could occur during hydraulic fracturing. Park County is a rural area and clean water is vital to our citizens and our economy.

My comments to the proposed changes are as follows:

New Rule 1:

(2)(a). PCEC would like the notification time before starting any well stimulation be 7 days. We think that this would give landowners time to get any base line monitoring done before the work begins and also give the BOGS staff time to address problems that may arise between the developer and landowners before hand.

(3)(b) PCEC would like this to read "the trade name or generic name of the components or chemicals" to be used.

We also recommend that the notice given before work begins should be 1 mile from well *AND FRACTURE AREA*. This includes the underground coverage of the fracturing operation as horizontal drilling extends away from the surface well head location.

We also recommend that the notice given before work begins should be 1 mile from well *AND FRACTURE AREA*. This includes the underground coverage of the fracturing operation as horizontal drilling extends away from the surface well head location. In this regard, ground water well / spring owners within 2 miles of surface and underground operations should be notified.

Fracturing fluid transportation routes pre and post initial drilling should also be documented and given to county and state health officials. In addition, it should also be given to the Montana Fish, Wildlife and Parks agency for spill preparedness where where aquatic resources are crossed or in close proximity (1/2 mile) to the travel route.

New Rule 2:

(4)(a)(b) PCEC recommends that if a wavier is to be given for (2) or (3) the owner or operator provide all the information asked for under (2) and (3) to the Montana Department of Natural Resources and Conservation (DNRC) to be posted on their web site for the public to use. DNRC's web page is much easier to use than the IOGCC one we think that DNRC will provides a better primary repository for this information. We would also like the wells identified by name, location and permit number.

New Rule 3:

PCEC believes that public health and safety outweigh industry trade secrets. However, we believe it is possible for industry to retain the essence of their trade secrets, while also satisfying the need for health and safety information. A simple, accurate list of the chemicals used at each well site is sufficient for these purposes. It is not necessary for industry to reveal explicit formulas, mix ratios, or other details of their proprietary hydraulic fracturing fluids.

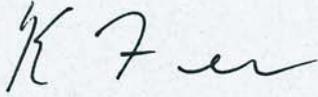
PCEC strongly believes that emergency personal should not have to agree to a non-disclosure agreement for information provided by the owner/operator in the event of a spill or accident. In the event of a serious emergency, firemen, police, nurses, doctors, and those helping need to do their jobs and not worry about "trade secrets". Put simply, this rule is unenforceable except to the detriment of public health and safety. By placing arbitrary and legalistic restrictions on the status of such workers, rapid handling of serious emergency situations can be compromised.

PCEC would also like to see the new rules include requirements that all wells use a closed-system for the water or product recovery instead of pits with liners. This would include using metal tanks to store the fluids. During heavy rains, such as we have witnessed in 2011, ponds can overflow with rain water causing unwanted spills.

PCEC believes that at least one additional hearing to address these and other proposed new rule changes should be held near other areas that may be affected by oil and gas well stimulation. Specifically we would suggest Billings or a location in Sweet Grass or Park County. The issues involved will touch the lives of many citizens for many years, and it is only fair that they be given a realistic opportunity to learn about the rule changes and voice their opinions.

On behalf of PCEC, our board and its membership I would like to thank the BOGC for the opportunity to comment of the proposed new rules and I thank you for your hard work with this issue.

Sincerely,

A handwritten signature in black ink, appearing to read "Kerry Fee". The signature is fluid and cursive, with the first letter of each word being capitalized and prominent.

Kerry Fee
Executive Director
Park County Environmental Council

Richmond, Tom

From: Spencer Kimball [SKimball@westernenergyalliance.org]
Sent: Thursday, June 23, 2011 3:37 PM
To: DNR FracComments
Subject: Western Energy Alliance comments - New Rules I through V regarding oil and gas well stimulation
Attachments: Western Energy Alliance comments - MBOGC Frac Rule 062311.pdf
Importance: High

Mr. Richmond:

Please see attached comments from the Western Energy Alliance (formerly IPAMS) on new MBOGC rules I through V regarding oil and gas well stimulation.

Please feel free to contact me with any questions.

Regards,

Spencer

Spencer Kimball

Manager of Government Affairs
Western Energy Alliance (formerly IPAMS)
410 17th Street, Suite 700
Denver, CO 80202
Office: 303-623-0987
Fax: 303-893-0709
Mobile: 720-289-3478
skimball@westernenergyalliance.org
www.westernenergyalliance.org

The Western Energy Alliance Annual Meeting and Summer Conference is June 22nd - 24th! Register [online](#) today!

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June 23, 2011

Submitted via email: FracComments@mt.gov

Thomas Richmond
Administrator
Montana Board of Oil and Gas Conservation
2535 St. Johns Avenue
Billings, MT 59102

Re: New Rules I through V regarding oil and gas well stimulation

Dear Mr. Richmond:

Western Energy Alliance represents over 400 companies engaged in environmentally responsible exploration and production of natural gas and oil in the Intermountain West, where we estimate that 95% of all wells are stimulated via hydraulic fracturing (HF). We submit the following comments to the Montana Board of Oil and Gas Conservation ("Board") on New Rules I through V regarding oil and gas well stimulation.

On behalf our member companies, we appreciate the opportunity to offer our thoughts and reaction to the Board's draft rules regarding HF. We recognize the importance of HF in the development of domestic energy resources. Unfortunately, HF is a major subject of contention with those who would like to prevent domestic oil and gas development.

Western Energy Alliance members are concerned that notice of an HF technique in advance of the treatment could be used by those that oppose the practice as a means to contest the permit. We believe the Board shares this concern and appreciate the effort in this rulemaking to provide flexibility in the event of last-minute changes. We also appreciate the effort in the rulemaking to eliminate redundant and time-consuming permitting processes.

Specific Comments

New Rule I

Western Energy Alliance understands that the mechanism that the Board has chosen for advanced chemical disclosure is to tie the fracturing treatment notice to the permit to drill. We appreciate the Board's thought that such an action would not create another process for a stimulation activity. Given that with the permit to drill can be submitted several months in advance of the treatment, Western Energy Alliance believes there needs to be more flexibility or a reduction in the amount of information required in the rule. Stimulation designs often change based on data from the well drilling process, even in known fields. Western Energy Alliance suggests the following for New Rule I:

Page 2 of 3

- a. Clarify that the use of estimates in Rule I, paragraph 3 carries through all the subparts. This rule could be read to allow estimates of the total volume of treatment to be used, but specifics of components. Such an interpretation would be problematic since volumes can change significantly from when an APD is filed to when the treatment is done.
- b. The information requested in Rule I (3)(e), is difficult to provide this early in the process and is not related to chemical disclosure. The requirements for treating pressure should be removed.
- c. The allowance for submission of generic design submission is important. Sections in Rule I under (3)(e)(i) and (ii) should be placed in a new section (4) in New Rule I. This is vital to ensure that this option meets the disclosure requirements to the Board under the entire New Rule 1 and not just subpart 3.

Western Energy Alliance suggests that the Board make changes to New Rule I to ensure that it is clear that estimates and/or generic filings with the APD meet the requirements of the rule. As written the rule leaves too much room for interpretation that we believe could lead to problems and project delays.

New Rule II

Paragraph 1

Under paragraph 1(c) the requirement for rates and pressures should be deleted since the purpose is to disclose chemicals not reveal processes and methods.

Paragraph 2

This provision generally would require the post-frac disclosure of only additive-level information, including a description of the "additive type" and the "rate or concentration for each additive" as applied during the HF treatment. However, the draft rule also requires that the "chemical compound name and Chemical Abstracts Service (CAS) number" be provided "for each additive used," even though additives generally do not have unique CAS numbers - only the constituents within an additive would typically have a CAS number. To clarify this provision - and since the regulation generally requires only additive-level information - we recommend that the reference to "chemical compound name and Chemical Abstracts Service (CAS) number" be stricken. The rule should instead require a description of the "name of each additive used" and not the compound name and CAS number.

Paragraph 4

We agree with the statement of goals offered by the Administrator at the rule hearing as the reasons for the rule. Industry and government have spent significant resources

Page 3 of 3

developing the Interstate Oil and Gas Compact Commission/Groundwater Protection Council's hydraulic fracturing website. Western Energy Alliance suggests that the Board remove the uncertainty that this website will be a satisfactory disclosure mechanism by stating the Administration **shall** waive the requirements of paragraphs 2 and 3, instead of leaving that waiver discretionary.

New Rule III

Western Energy Alliance has reviewed comments submitted to the Board by member company, Halliburton Energy Services Inc. They have made several points regarding this section, and Western Energy Alliance concurs. Understanding Montana's legal history on trade secret information is crucial and we fully support Halliburton's comments on the matter.

In addition to medical professionals who are required to maintain confidentiality of trade secret information that they receive, Western Energy Alliance suggests that all parties who have information considered to be trade secrets are held to the same standard, including any third parties that may be involved.

New Rule IV

Western Energy Alliance is concerned that pressure testing requirements in paragraph 3 are too stringent and suggests the following language:

"A casing pressure test will be considered successful if the pressure applied has been held for 30 minutes with not more than 10% loss, or 10 minutes with not more than a 5% loss."

New Rule V

Western Energy Alliance suggests lifting the limit in paragraph 2 to 10,000 gallons, which would be equivalent to one twin trailer load, which is quite common.

Thank you for your consideration of these comments. If you have questions, please contact me at (303) 623-0987 or skimball@westernenergyalliance.org.

Sincerely,



Spencer Kimball
Manager of Government Affairs

Richmond, Tom

From: barguns@aol.com
Sent: Thursday, June 23, 2011 3:41 PM
To: DNR FracComments
Subject: Draft Rules for the disclosure of chemicals used in hydraulic fracturing

To the Montana Board of Oil and Gas Conservation:

I want to strongly urge that you adopt rules that require the complete and full disclosure of all chemicals used in the fracturing of rock during oil and gas development and extraction.

This should be a full requirement in our state since the quality of our water supply is so crucial to our agriculture, tourism, and drinking water. This extraordinary spring, 2011 with its abundance of snow pack and rain, has demonstrated how little is actually known about how our water tables and springs flow and interact. The force and power of water to create new channels and courses has been a wonder to behold and I shudder to imagine it mixed with toxic chemicals, let alone those "unknown" or secret.

Finally, I wish to add that as a former business executive I recognize the corporate smokescreen of denying disclosure because of it being propriety and for competitive reasons - RUBBISH! The true reason is to limit any liability and deny linkage to contamination.

I respectfully request that you consider and act upon my suggestions and comments.
Thank you,

Bruce Rinnert
PO Box 7
Mc Leod, MT 59052

Full time resident of Montana since 1998

Richmond, Tom

From: Becca Fischer [rebecca@northernplains.org]
Sent: Thursday, June 23, 2011 3:51 PM
To: DNR FracComments
Subject: Northern Plains Resource Councils' Comments on the proposed rules for hydraulic fracturing disclosure
Attachments: FNL_NP_CRC comments on rules_6.23.11.pdf; Attachment 1_Leases map.pdf; Attachment 2_MT_XTO Energy Disclosure.PDF

Hello,

To whom it may concern, attached are Northern Plains Resource Council's comments on the proposed hydraulic fracturing disclosure rules. In order to send all the attachments, it may take two emails.

If you have any questions, please contact me at the information below.

Rebecca Fischer

Field Organizer
Northern Plains Resource Council
220 S. 27th Street, Suite A
Billings, MT 59101
phone 406.248.1154 X105
fax 406.248.2110
rebecca@northernplains.org
www.northernplains.org

Northern Plains is a grassroots conservation and family agriculture group. We organize Montana citizens to protect our water quality, family farms and ranches, and unique quality of life. **If you aren't already a member, you should join!**



June 23, 2011

Tom Richmond and the Board
Montana Board of Oil and Gas Conservation
2535 St. Johns Avenue
Billings, MT 59102

RE: Comments on New Rules I through V regarding oil and gas well stimulation

Mr. Richmond and the Board,

Thank you for the opportunity to comment on the New Rules I through V regarding oil and gas well stimulation as proposed by the Montana Board of Oil and Gas Conservation (BOGC).

Northern Plains Resource Council (Northern Plains) is a grassroots, non-profit that organizes Montana citizens to protect our water quality, family farms and ranches, and unique quality of life. Northern Plains was founded in 1972 because of large-scale impacts from mining and burning coal. The organization has, over the years, expanded its work to include the impacts from oil and gas drilling and more recently the issue of hydraulic fracturing.

Cottonwood Resource Council (CRC) is a non-profit that safeguards Sweet Grass County's high quality of life for future generations. It is an affiliate of Northern Plains and was started in 1989 as a result of hard rock mining issues in the area. Recently with extensive leasing in Sweet Grass County, CRC has begun work on deep gas drilling. A number of our members have leased their minerals, have minerals leased underneath their land, or live near proposed leases. Overall, the county will be greatly impacted by deep gas drilling and the use of hydraulic fracturing.

Northern Plains and CRC strongly believe that *full, public* disclosure of the chemicals used in hydraulic fracturing and other well stimulation methods is necessary in order to ensure gas development does not leave behind a legacy of contaminated water resources and damaged land. We urge the BOGC to be proactive and transparent with these rules. Unfortunately, to us the rules as proposed do not fully meet this standard. Please consider the following comments on the proposed rules.

Deep Gas Drilling in Sweet Grass and Park Counties

Before getting into a line by line analysis of the rules, some background information is necessary. As stated, deep gas drilling in Sweet Grass County and neighboring Park County has potential to be a sizable development. As shown in attachment 1, we estimate that approximately 26%, or more than 300,000 acres, of Sweet Grass County have been leased for deep gas drilling. From talking with landowners in Park County, a similar amount has been leased there as well. A sizable portion of these are private lease with a smaller portion being State leases. Consequently, any rules that the BOGC adopts will apply to large areas of both counties.

As of today, three exploratory wells have been drilled and hydraulically fractured in Sweet Grass County and three in Park County. From our contacts with the landowners who have wells on their property, one of whom is a member, we have heard reports of commercial amounts of gas from the exploratory wells. It is clear to us that this gas field has the possibility to be fully developed and the BOGC should take this under serious consideration.

Disclosure of ALL Chemicals Used in Oil and Gas Drilling

Northern Plains and CRC support the disclosure of all chemicals used in oil and gas drilling, not just those used in the hydraulic fracturing process. The public debate is often narrowed down to only discussing hydraulic fracturing, which is only a step in the life of a well, but other chemicals are used in the drilling process. These chemicals need to be publicly disclosed as well. The proposed rules do not appear to properly address this issue.

New Rule 1 – Well Stimulation Activities Covered by Drilling Permit

To start “wildcat or exploratory wells” discussed in section (2) of Rule I should be defined.

The 24-hour notice period for commencement of well stimulation on wildcat or exploratory wells described in section (2) (a) is insufficient. The 24-hour time frame does not provide adequate time for landowners to test for baseline water quality. Additionally, the timeframe does not allow the board’s staff to evaluate, modify and approve (if appropriate) in writing an operator’s proposed well stimulation activities. We recommend extending the timeframe to 10 business days. This is similar to a process that has been implemented in Wyoming with their rules (see Chapter 3, Section 45. Well Stimulation (a), Wyoming Oil and Gas Conservation Commission). From a reading of the WY rules, the operator provides a preliminary report of the chemicals slated to be used in the Application Permit to Drill. They then follow this up with the actual chemicals used in the Well Completion Report.

Also, a chemical abstract number (CAS) must be included in the disclosure of chemicals used in wildcat or exploratory wells.

New Rule II – Disclosure of Well Stimulation Fluids

In sections (1) through (3), the recommended parameters for disclosure are a start. However, in order for these to be fully effective, we feel no exceptions should be allowed. In particular, Northern Plains and CRC have concerns with section 4 (a). We believe that it is *essential* this information is easily accessible on the internet and that a local, third party such as the BOGC should post this information. Therefore, we do not recommend the use of the Interstate Oil and Gas Compact Commission/Groundwater Protection Council hydraulic fracturing website and would urge the BOGC to post this information instead.

Also, from perusing their website as set up now, it is extremely hard to find out where the wells are located unless a GPS device is on hand. A map that pinpoints where these wells are located is necessary to make internet disclosure more helpful. After searching for Montana wells on the FracFocus website, only one well is posted currently (see attachment 2) and 6 of the chemicals on the list are considered proprietary. This is inadequate and will not help landowners determine required baseline testing parameters.

New Rule III – Proprietary Chemicals and Trade Secrets

Section (1) of Rule III is not protective of public health and our land and water. What use is public disclosure if many of the components fall under the trade secret heading? We recommend Montana adopt a similar approach to that taken in Wyoming, which requires operators to actively apply for a trade secret exemption. However, in contrast to Wyoming we also recommend that any protections for proprietary information must be carefully defined, with a clear decision making process and standard of proof, and must provide for the release of the adverse health effects of each chemical that is kept secret, release of proprietary information in the event of a medical necessity, and regular review and appeal of proprietary designations.

Section (2) of Rule III requires that an operator provide a list of chemical constituents contained in a proprietary chemical upon request only in the event of a spill or release of that chemical. It is recommended that this chemical information be provided to the BOGC and the local emergency response departments well before any spills occur. This will hopefully ensure an appropriate and timely response for emergency personnel and environmental cleanup that is protective of human health and will minimize impacts to the environment.

Section (3) is prohibitive to medical personnel. Providing a written statement in the midst of treating a patient is extremely restrictive of that medical professional's ability to administer timely treatment. We recommend removing the written statement section or at least allowing for it to be implemented after the treatment has occurred in order to prevent any delay as in Section (4).

New Rule IV – Safety and Well Control Requirements – Hydraulic Fracturing

Section (1) requires that new and existing wells planned for stimulation by hydraulic fracturing must demonstrate mechanical integrity. It is recommended that an assessment of mechanical integrity should be based on objective and measurable criteria.

To ensure the production or intermediate casing will truly maintain mechanical integrity throughout the fracking process, the wells should be pressure tested to 110 – 150% of the anticipated treating pressure. This will ensure that the casing will maintain integrity throughout the fracking process and handle any operational hiccups that may occur.

Additionally, as discussed at the hearing in Sidney, remote well shut off control should be required on all wells in case of an emergency.

In section (2) (a), we believe there is a small typo in the rules and the word “stung” should be changed to “strung”.

New Rule V – Work-over, Recompletion, Well Stimulation – Notice and Approval

Activities included in section (2) of this rule (e.g. chemical treatment of less than 5,000 gallons, hot oil treatments, etc.) do not require approval from the BOGC prior to application. It is recommended this rule be modified to require that activities of this nature are reported to the BOGC within 30 days following completion of work, as described and required in section (1) of this rule.

Federal and State Regulation on Hydraulic Fracturing

As the Board well knows, federal regulation and rules are very likely to be implemented within the next year or so. The Board should strive for the strongest disclosure rules possible in order to avoid re-opening these rules at a later date. A clause that allows the rules to be re-opened in order to comply with Federal law should be included.

State regulation is progressing steadily. In addition to rules in Wyoming and Arkansas that have already passed, Texas recently passed strong disclosure laws. Idaho is in the process of developing rules, as is Michigan. With this in mind, an analysis of what other states require in terms of disclosure would be very helpful to see if Montana is on par.

Incidences of Concern and Enforcement

We have also included a number of news articles on incidences involving fracking fluids across the country as well as state specific health data (see attachments 3-7). Overall, they make the case that these chemicals are indeed a cause for concern if not properly handled.

The first attachment (attachment 3) is a study of the health impacts from a number of the chemicals used in hydraulic fracturing in Montana. This study is interesting albeit not complete because many of the chemicals were listed as proprietary. The second (attachment 4) is an article about water contamination from poorly cased wells in Pennsylvania and the fine that the company paid in damages. The next two attachments

are about the specific health effects of chemical exposure. The final attachment is an article from the Bismarck Tribune on a couple of spills of hydraulic fracturing fluids in North Dakota near the Bakken (attachment 7).

Also, as mentioned at the hearing, one of the things that makes great rules and laws is the enforcement of these laws. We expect the BOGC will take an active role in monitoring these chemicals, taking action if operators do not follow disclosure rules, proactively seeking to prevent spills and accidents, and responding promptly if accidents occur.

Public Comment process

Finally, a comment on the public notice and hearing is necessary. As Senator Bob Hawks stated in his testimony in Sidney, a hearing in Sidney at 10 am does not facilitate complete public involvement. An additional hearing in Billings is necessary for the BOGC to fulfill their duties as a state agency and hear from landowners in Sweet Grass and Park Counties.

Thank you for the opportunity to comment and if you have any questions, feel free to contact Northern Plains at 248-1154.

Sincerely,



Ed Gulick
Chair of Northern Plains Resource Council

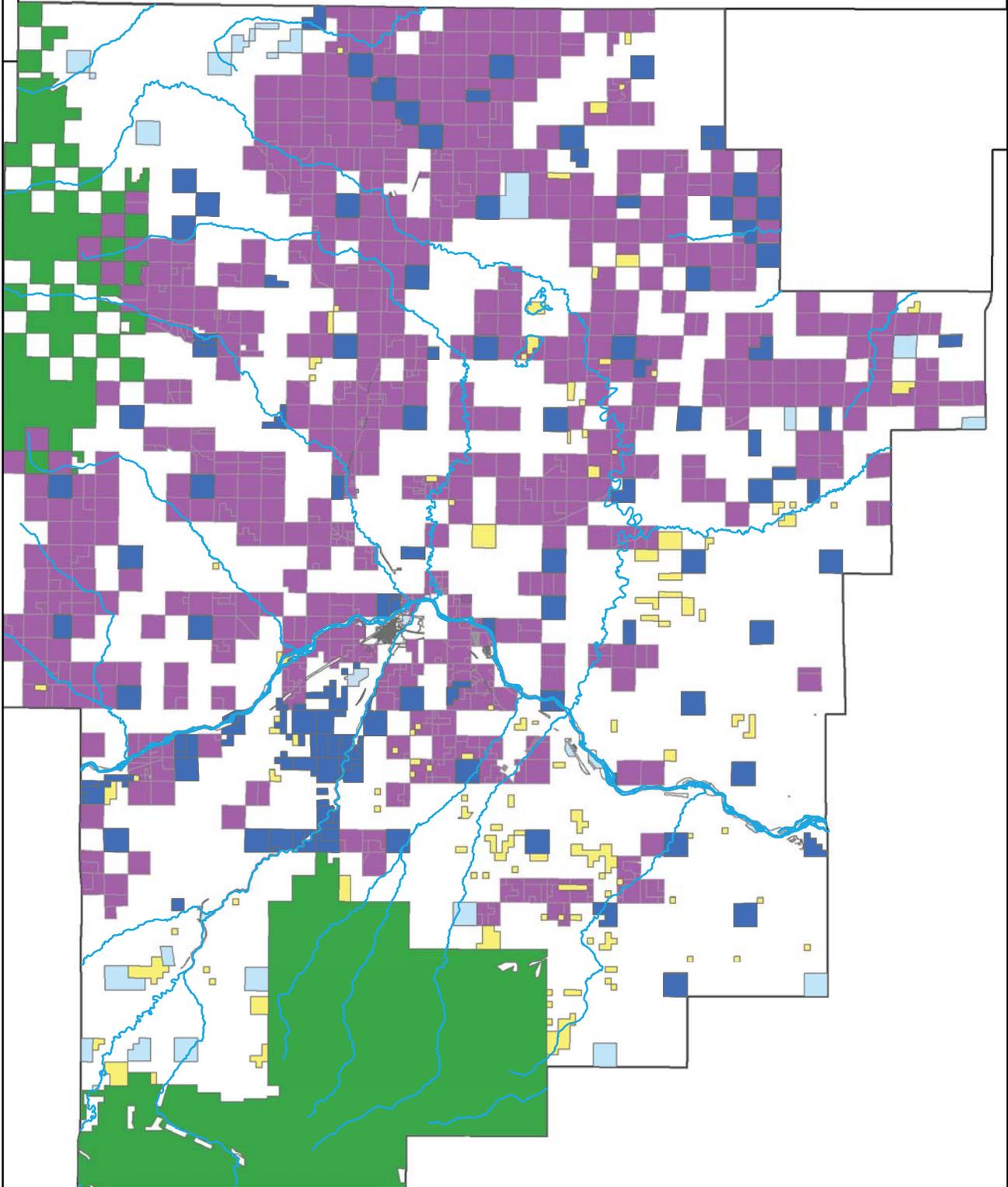


Cindy Webber
Chair of Cottonwood Resource Council

Cc:

Linda Nelson,
Wayne Smith,
Don Bradshaw,
Ronald Efta,
Jack King,
Brad Smelser,
Jay Gunderson

LegendGas Leases 2008 - 2010



Hydraulic Fracturing Fluid Product Component Information Disclosure

Fracture Date:	2/8/2011
State:	Montana
County:	Richland
API Number:	25-083-22850
Operator Name:	XTO Energy
Well Name and Number:	Thiel 11X-12
Longitude:	-104.096764
Latitude:	47.685967
Long/Lat Projection:	NAD83
Production Type:	Oil
True Vertical Depth (TVD):	10,147
Total Water Volume (gal)*:	1,557,161

Hydraulic Fracturing Fluid Composition:

Trade Name	Supplier	Purpose	Ingredients	Chemical Abstract Service Number (CAS #)	Maximum Ingredient Concentration in Additive (% by mass)**	Maximum Ingredient Concentration in HF Fluid (% by mass)**	Comments
Water		Vehicle	Water	7732-18-5	100.00%	0.88014%	
Sand	Superior Well Svcs	Proppant	Crystalline Silica	14808-60-7	100.00%	0.10937%	
LSG-1	Superior Well Svcs	Gel				0.00551%	
			Iso-Alkanes/n-Alkanes	proprietary	60.00%	0.00276%	Pending Disclosure by Supplier
			Polysaccharide Blend	proprietary	60.00%	0.00276%	Pending Disclosure by Supplier
XLBHT-2	Superior Well Svcs	Delayed Cross-linker				0.00124%	
			Potassium Formate	590-29-4	50.00%	0.00120%	
			Formic Acid	64-18-6	2.00%	0.00005%	
			Proprietary Component	proprietary	0.00%	0.00000%	Pending Disclosure by Supplier
Super OW-3	Superior Well Svcs	Non-Emulsifying Surfactant				0.00037%	
			Isopropyl Alcohol	67-63-0	40.00%	0.00033%	
			Proprietary Component	proprietary	5.00%	0.00004%	Pending Disclosure by Supplier
					0.00%	0.00000%	
					0.00%	0.00000%	
					0.00%	0.00000%	
Gytron T-106	Champion Technologies	Scale Inhibitor				0.00031%	
			Methanol	67-56-1	30.00%	0.00027%	
			Hydrochloric acid	7647-01-0	5.00%	0.00004%	
Bactron K-31W	Champion Technologies	Antibacterial				0.00028%	
			Ethylene Glycol	107-21-1	30.00%	0.00009%	
			Glutaraldehyde	111-30-8	30.00%	0.00009%	
			Ethanol	64-17-5	30.00%	0.00009%	
			Proprietary Component	proprietary	0.00%	0.00000%	Pending Disclosure by Supplier
OB-2 HT	Superior Well Svcs	Encapsulated Gel Breaker (Delayed) High Temp.				0.00004%	
			Ammonium Persulfate	7727-54-0	100.00%	0.00003%	
			Crystalline Silica in the form of Quartz	14808-60-7	40.00%	0.00001%	
OB Breaker	Superior Well Svcs	Non-Encapsulated Gel Breaker (Instant)				0.00003%	
			Ammonium Persulfate	7727-54-0	100.00%	0.00003%	
			Proprietary Component	proprietary	10.00%	0.00000%	Pending Disclosure by Supplier

Clay Treat LT	Superior Well Svcs	Clay Control				0.00000%	Additive Used in Job: Pending Disclosure by Supplier
			Choline Chloride	67-48-1	0.00%	0.00000%	
					0.00%	0.00000%	
PH-16L	Superior Well Svcs	Gel Stabilizer (Buffer)				0.00000%	Additive Used in Job: Pending Disclosure by Supplier
			Potassium Hydroxide		0.00%	0.00000%	

* Total Water Volume sources may include fresh water, produced water, and/or recycled water

** Information is based on the maximum potential for concentration and thus the total may be over 100%

All component information listed was obtained from the supplier's Material Safety Data Sheets (MSDS). As such, the Operator is not responsible for inaccurate and/or incomplete information. Any questions regarding the content of the MSDS should be directed to the supplier who provided it. The Occupational Safety and Health Administration's (OSHA) regulations govern the criteria for the disclosure of this information. Please note that Federal Law protects "proprietary", "trade secret", and "confidential business information" and the criteria for how this information is reported on an MSDS is subject to 29 CFR 1910.1200(i) and Appendix D.

TEDX
The Endocrine Disruption Exchange
P.O. Box 1407, Paonia, CO 81428
970-527-4082
www.endocrinedisruption.org
tedx@tds.net

CHEMICALS USED IN OIL AND NATURAL GAS OPERATIONS:

MONTANA

April 2009

INTRODUCTION

The following summaries are based on the possible health effects of the products and chemicals used in operations to produce oil and natural gas in Montana. They provide a profile of the possible health hazards for those living and working in regions where oil and natural gas activity is taking place. The names of the products and chemicals and their known or suspected health effects were entered in an EXCEL spreadsheet for easy sorting and searching. The health effects associated with the chemicals were listed under one or more of the 14 categories used in government toxicological literature.

TEDX compiled a list containing the names of 104 products containing 76 chemicals as of March 2009. The names of the products and the chemicals they contain came from State Emergency Planning and Community Right-to-Know Act (EPCRA) Tier II reports. Material Data Safety Sheets (MSDS) were found for some of the products and this information was incorporated into the spreadsheet. The quantity and quality of information varied among these data sources. TEDX makes no claim that the list of products and chemicals in this analysis is complete.

PRODUCT SUMMARY

Material Safety Data Sheets (MSDSs)

MSDSs are designed to inform those who handle, ship, and use the products about their physical and chemical characteristics, and their direct and/or immediate health effects, in order to prevent injury while working with the products. The sheets are also designed to inform emergency response crews in case of accidents or spills. The total reported composition of a product on an MSDS can be less than 0.1% up to 100%. MSDSs are not submitted to the Occupational Safety and Health Administration (OSHA) for review. The product manufacturers determine what is revealed on their MSDSs.

The health information on MSDSs most often warns of possible harm to the skin and eyes, gastrointestinal and respiratory tracts, followed by the nervous system and brain. Many MSDSs do not address the outcome of long term, intermittent or chronic exposures, or adverse health effects that may not be expressed until years after the exposure.

TEDX has obtained full or partial MSDSs for 30 of the 104 products known to be in use in Montana. Four of the MSDSs list "proprietary" as the composition of the product. Nine of the MSDSs list at least one ingredient with a CAS number¹, but they also contain ingredients labeled only "proprietary" or "confidential." The

¹ CAS =Chemical Abstracts Service, provided by the American Chemical Society. This unique number is used to identify a specific substance. A single substance can have many different names, but only one CAS number. A substance may be a single chemical, an isomer of a chemical, a mixture of isomers, polymer, biological sequences, or a mixture of related chemicals.

remaining 17 MSDSs provide CAS numbers for all the ingredients disclosed, but only one includes the full composition with specific chemical information.

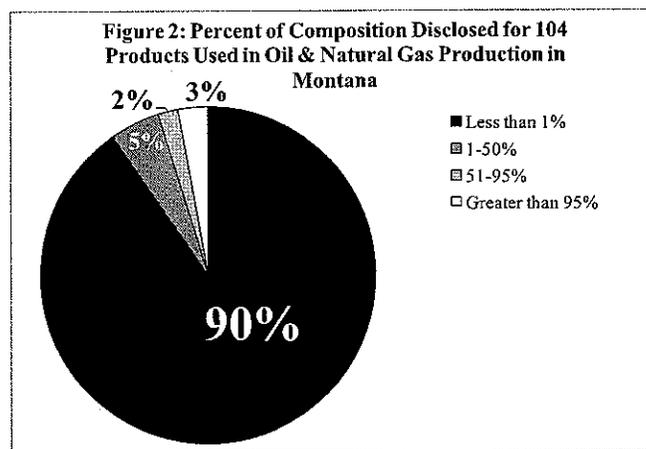
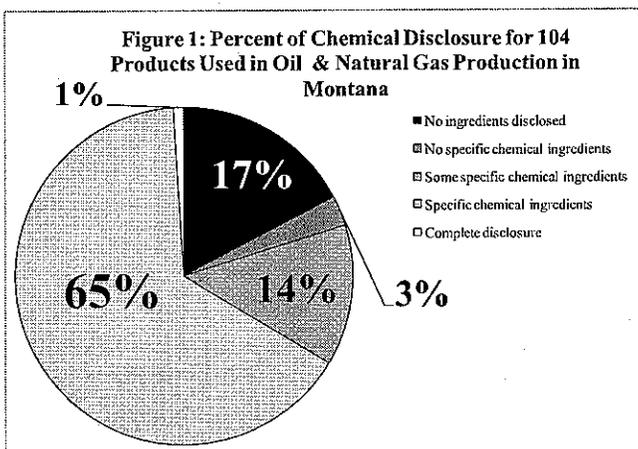
State Tier II Reports

Tier II reports must be filed by storage facilities under EPCRA. The Act sets a minimum amount above which a product containing a hazardous substance has to be reported in a storage facility. Reporting requirements vary from state to state, and the amount of information included on the form also varies from county to county and company to company.

Information for 74 of the 104 products on the TEDX spreadsheet came only from state Tier II report data. The descriptors on the forms received by TEDX ranged from a functional category name (e.g. weight materials, surfactant, etc.) with no product name, to the name of the product with specific chemical ingredients and CAS numbers. The percent of the total composition of the products is rarely included on these forms. Seventeen of the products listed on Tier II forms did not provide any ingredients, 52 listed one chemical with a CAS number and five listed more than one ingredient but supplied CAS numbers for only some of these. Those ingredients that did not have a CAS number were labeled "proprietary."

Evaluation of the information available about the 104 products

Sixty-eight products (65%) list specific chemical ingredients (Figure 1). Fourteen of the products (13%) contain a combination of chemicals with and without CAS numbers and three (3%) contain chemicals with only general or non-specific names. No information for 18 (17%) of the products was provided. The one (1%) remaining product discloses all of the ingredients.



Less than 1% of the total composition is known for 94 (90%) of the 104 products in our spreadsheet (Figure 2). Less than 50% of the composition is known for 5 (5%) of the products, and between 51% and 95% of the composition is known for 2 (2%) of the products. Three (3%) of the products had information about more than 95% of their full composition.

Evaluation of the health effects associated with the 104 products

The health effects of those products with an MSDS that did not list specific ingredients (4 products) were determined by the information contained in the Hazards Identification (Section 6), Toxicological Information (Section 11) and Ecological Information (Section 12) portions of the MSDS. Because of the limitations inherent in some of the data sources, the health effects of the products and chemicals in the following summary will not be comprehensive.

For 19% of the products, no health effects were reported, while 81% reported at least one adverse health effect (Figure 3).

Figure 3: Percent of Products Used in Oil & Natural Gas Production in Montana Associated with Health Effects

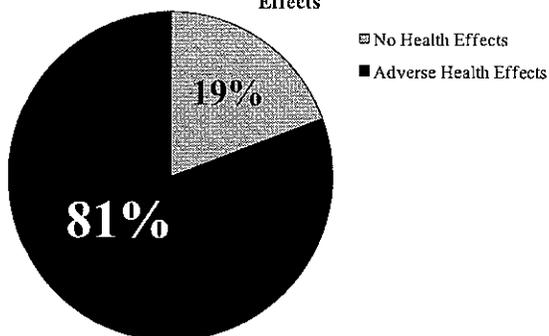
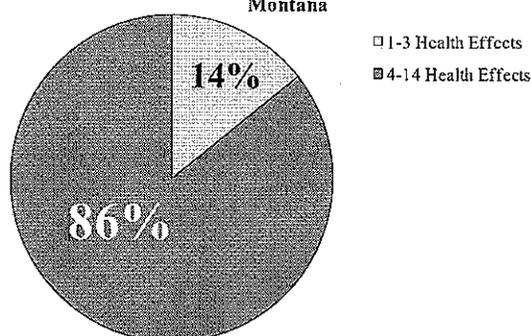
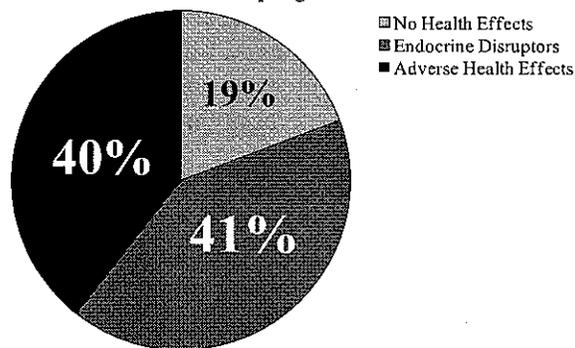


Figure 4: Number of Health Effects Associated with Products Used in Oil & Natural Gas Production in Montana



Of those 84 products that were associated with adverse health effects, 14% had one to three health effects, and 86% had between four and 14 health effects (Figure 4). Forty-one percent of the products contained one or more chemicals considered to be endocrine disruptors (Figure 5), chemicals that interfere with development and function.

Figure 5: Percent of Products Used in Oil & Natural Gas Production in Montana Containing Endocrine Disrupting Chemicals



CHEMICAL SUMMARY

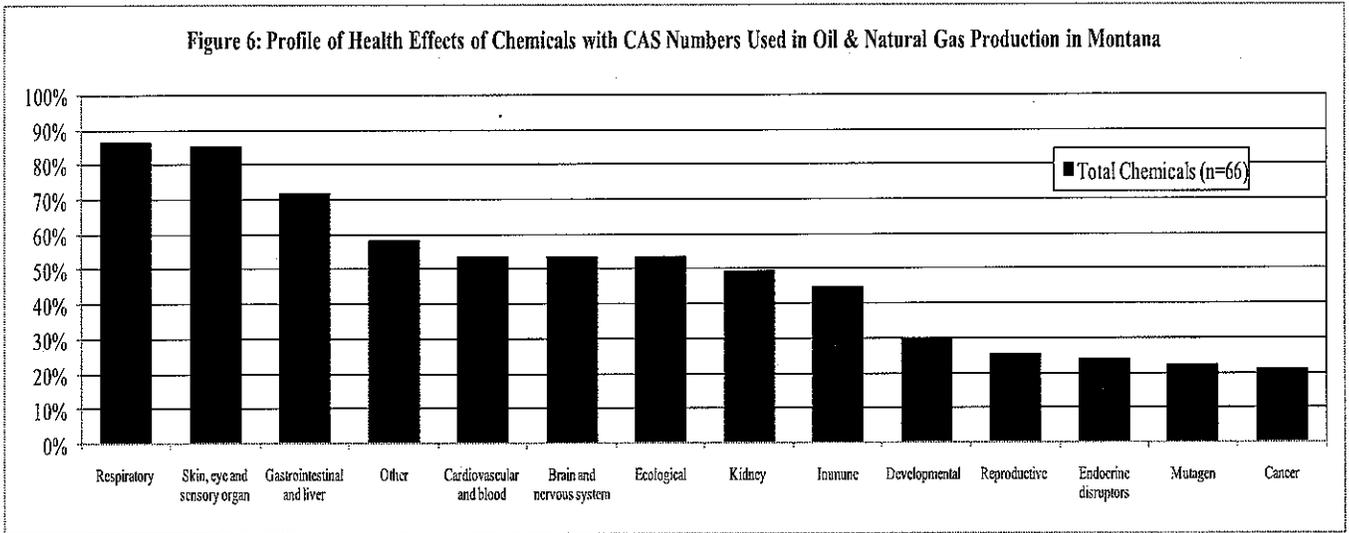
Evaluation of the information available about the 76 chemicals

Products may contain more than one chemical, and a given chemical may occur in more than one product. In the 104 products identified above, there were a total of 76 chemicals. Specific chemical names and CAS numbers could not be determined for 10 (13%) of the 76 chemicals on TEDX's list. The names provided for the chemicals were too general (e.g. unsaponifiables, polymer, etc.), or they were listed as "confidential," "proprietary," or "various."

It was impossible to link four of the chemicals without CAS numbers to any health category aside from the health data reported on an MSDS. The limitations of MSDS data for possible health effects are noted above. Some health data was provided for two chemicals, but for the remaining four, no information could be found.

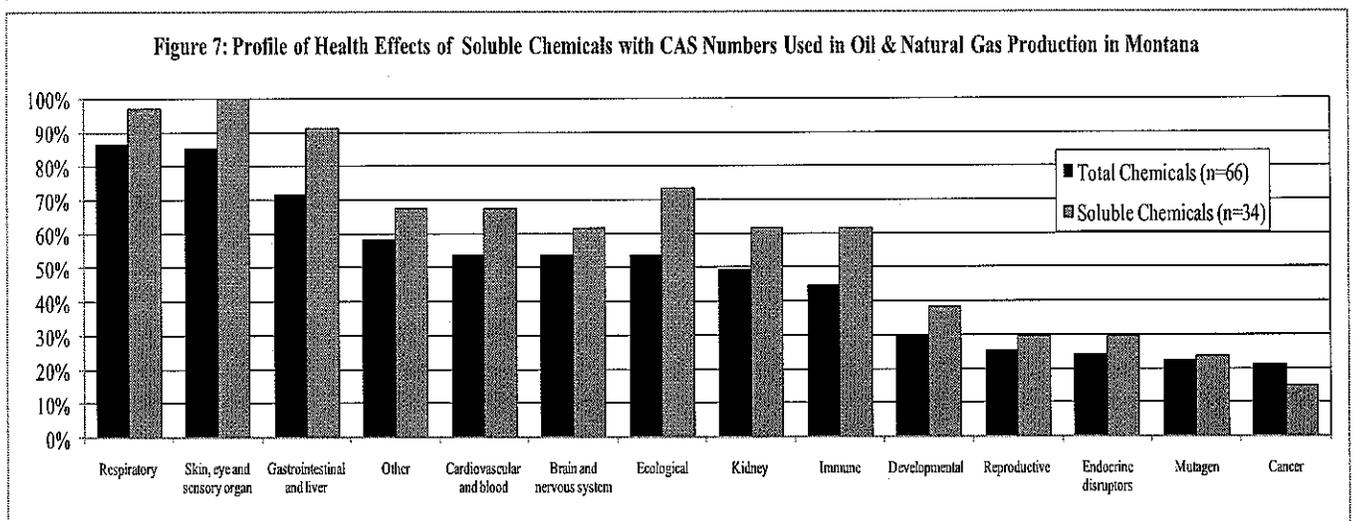
Summary of the health effects associated with the 66 chemicals with CAS numbers

Figure 6 shows the percentages of the 66 chemicals with CAS numbers associated with the general health categories used in government reports. Chemicals are often included in more than one category.



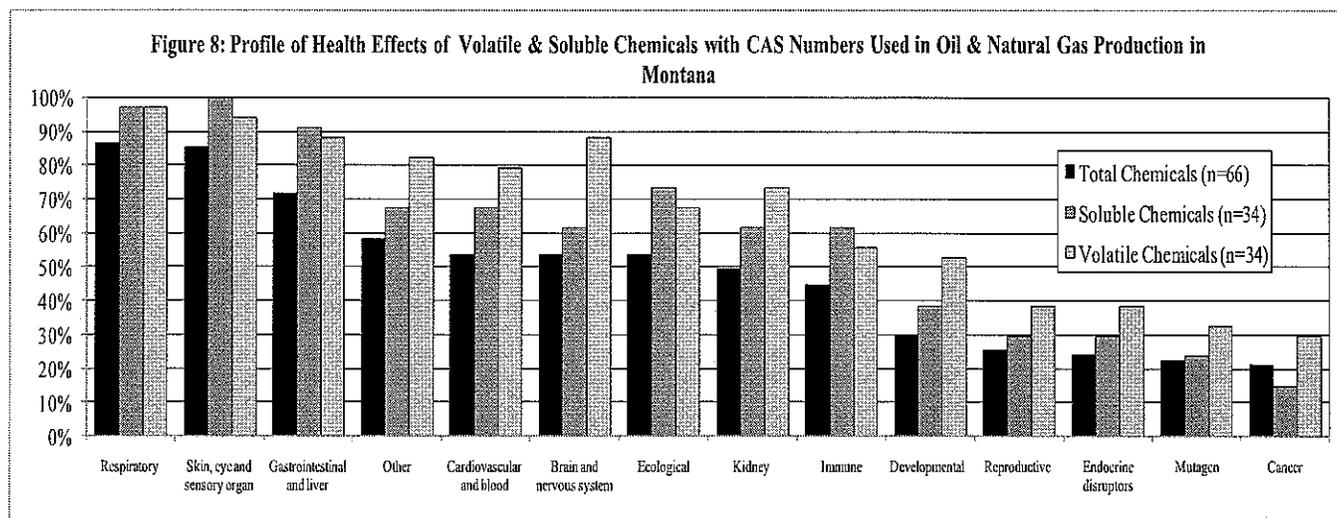
When all of the chemicals with CAS numbers are combined, 87% are associated with respiratory effects, 85% can harm skin, eye or sensory organs and 72% can cause gastrointestinal or liver effects. Fifty-four percent can harm the brain and nervous system, have ecological effects (harm to aquatic species, birds, amphibians or invertebrates), or harm the cardiovascular system and blood. Fifty-eight percent of the chemicals have health effects in the 'Other' category. The 'Other' category includes such effects as changes in weight or effects on teeth or bones, for example, but the most often cited effect in this category is the ability of the chemical to cause death.

The health effects on the left side of the figure are those effects that are more likely to appear immediately or soon after exposure. These effects include symptoms such as burning eyes, rashes, coughs, nausea, vomiting and diarrhea. The health effects on the right side of the figure are long term and would tend to appear months or years later, such as some cancers, the results of organ damage, harm to the reproductive system, or developmental effects as the result of prenatal exposure, all of which were associated with over 20% of the chemicals in this analysis.



Thirty-four (51%) of the chemicals with CAS numbers are water soluble. When examined alone (Figure 7), they produce a similar profile of health effects as all the chemicals combined, but with higher percentages in every category except cancer. Notably, 100% of these chemicals can harm the skin, eyes or sensory organs.

Approximately 51% of the chemicals with CAS numbers are volatile (Figure 8); in other words, they can become airborne. Over 97% of these chemicals are associated with respiratory effects. Ninety-four percent can harm the eyes, skin, sensory organs, and 88% affect the gastrointestinal tract or liver. Compared with the soluble chemicals, far more of these chemicals (88%) can cause harm to the brain and nervous system. Seventy-nine percent can harm the cardiovascular system and blood and 74% of the chemicals can harm the kidneys. Overall, the volatile chemicals produce a different profile with higher percentages than the water soluble chemicals. Because they can readily become airborne and can be inhaled as well as swallowed, and can reach the skin, the potential for exposure to these chemicals is greater.



COMMENTS

The health effects summary for the chemicals used in Montana is not a weighted analysis. Each chemical is included only once in the summary whether it is in only one product or in many. Some of the most prevalent chemicals are among those associated with the most health categories. Two of these are methanol and naphthalene.

Methanol is reported in 15 products on this list. Both volatile and soluble, methanol is readily absorbed by inhalation, ingestion and dermal exposure. Methanol is associated with all of the health categories except cancer, and less than an ounce can be fatal. Some of the most prominent consequences of exposure are damage to the eyes (blindness), the nervous system, the liver and kidney. It also causes birth defects.

The Agency for Toxic Substances and Disease Registry (ATSDR)² reports that naphthalene (found in 9 products) can cause hemolytic anemia, lung damage and possibly cancer. It has also been found to cause cataracts. Like methanol, naphthalene can be absorbed by the body through inhalation, ingestion and dermal exposure. It was associated with all 14 health effect categories in this analysis and can adversely affect the developing fetus.

² Agency for Toxic Substances and Disease Registry. U.S. Department of Health and Human Services. 2005. Toxicological profile for Naphthalene.

Two products on the Montana list are biocides. These products are extremely toxic, with good reason. Bacterial activity in well casings, pipes and joints can be highly corrosive, costly and dangerous. Bacteria can also alter the chemical structure of polymers and make them useless. Nonetheless, when these products return to the surface, either through deliberate retrieval processes or accidentally, they pose a significant danger to workers and those living near the pad and evaporation ponds. Biocides can also sterilize the soil and inhibit normal bacterial and plant growth for many years.

FOR FURTHER CONSIDERATION

Prior to use, these products must be shipped and stored before being transported to the well site. They pose a hazard on highways, roads and rail systems, as well as to communities near the storage facilities.

Fracturing, frac'ing, and stimulation are terms used to describe a process commonly used to facilitate the release of the gas and to improve production. In this process up to a million gallons or more of fluid under extremely high pressure are injected underground to open up fractures in the strata being mined. The gas industry claims that 70% of the material it injects underground is retrieved, but have provided no actual studies to confirm their estimate. At some locations, because of regional differences in geology and technology, 100% of the injected fracturing fluids may remain underground.

In addition to fracturing fluids, underground water, produced water that comes off the gas, drilling muds and cuttings of rock and debris from the well bore may be deposited into pits on the well pad. Evaporation allows toxic, volatile chemicals to be released into the air, and it concentrates the non-volatile chemicals in the pits. Technology is available to re-inject the recovered fluids on site, pipe it to a central re-injection well, or to use a closed loop system where the liquids are reused and not allowed to evaporate on site.

After development ceases on a pad and the wells go into production, the residues in the pits are often bulldozed over. It is impossible to predict how long the buried chemicals will remain in place. Highly persistent and mobile chemicals could migrate from these pits into underground water resources, or gradually surface over time. When the fluids evaporate from open pits, their condensed residuals are taken off-site and re-injected in the ground, or "land farmed" where they are incorporated into the soil through disking. Here, toxic metals and silica fines could continually build up in the disked soils and be mobilized on dust particles.

For the life of a gas well in most regions, water is stripped from the gas before it enters the delivery pipeline by an evaporation unit. These evaporation units are connected to condensate water tanks near the well heads where this contaminated water is stored. In some instances the condensate water is re-injected on site or piped to a central re-injection well. In other instances, water levels are monitored in the condensate tanks and the water trucked to large open-pit, waste facilities where the water and volatile chemicals escape into the air. This activity will continue until the well stops producing gas, which could be as long as 20 to 25 years.

Cumulative exposure impacts are not addressed in this analysis; however, the accompanying EXCEL spreadsheet provides a hint of the combinations and permutations of mixtures possible and the possible aggregate exposure. Each drilling and fracturing event is custom-designed depending on the geology, depth and resources available. The chemicals and products used, and the amounts or volumes used, can differ from well to well. In addition, the fluids or vehicles that make up the balance of the full composition of a product frequently are not provided, and nowhere are there data accounting for the fluids that make up the million gallons of fluid used. Complete records for each well must be kept for a realistic picture of what is being introduced into watersheds, air, and soil. This information should include the exact location of the well (state, county, township, section, latitude, longitude, etc.), the complete formulation of every product used at each stage of development and production, the weight and or volume of each product used, the composition of the fluids comprising the total volume injected underground, the depths at which material/mixtures were injected, the amount and composition of the recovered liquids, and their disposal method and location. The hazard posed by natural gas operations to our health and the environment requires full disclosure of this information.

DEP drops Dimock waterline plans; Cabot agrees to pay \$4.1M to residents

By Laura Legere, Staff Writer), Published: December 16, 2010

The Department of Environmental Protection has dropped its plans to build a 12.5-mile waterline from Montrose to Dimock Twp. in exchange for Cabot Oil and Gas Corp. agreeing to pay \$4.1 million to residents affected by methane contamination attributed to faulty Cabot natural gas wells.

The settlement, announced Wednesday evening, also calls for the Texas-based driller to pay the state's environmental oversight agency \$500,000 to help offset the cost of the department's investigation into the stray gas.

Each of the 19 families affected by the methane contamination in their water supplies will receive an amount equal to twice the value of their home, with a minimum payment of \$50,000. The amounts are typically over \$100,000 and often more than that, DEP Secretary John Hanger said.

"The 19 families in Dimock who have been living under very difficult conditions for far too long will receive a financial settlement that will allow them to address their own circumstances in their own way," he said.

The settlement also calls for Cabot to offer and pay to install whole-house gas mitigation devices in each of the 19 affected homes - devices that were earlier rejected by many of the families as unwieldy and inadequate. Other Dimock families have accepted the devices and said they helped address their water problems.

The agreement is a bitter one for families who were looking forward to the secure supply of clean water. It also opens the door for Cabot to resume operations in a 9-square-mile area of the township around the affected homes that has been off-limits to drilling since April. The company must first comply with the terms of the settlement, including ensuring gas does not migrate from its wells, Mr. Hanger said.

Cabot said it plans to resume hydraulic fracturing in the area in the first quarter of 2011 and begin drilling there again in the second quarter.

"We have been committed to responsible operations within Susquehanna County, and we have redoubled our efforts with the Pennsylvania Department of Environmental Resources to resolve past issues," Cabot CEO Dan O. Dinges said in a statement Wednesday night. "Today's announcement signifies a tremendous effort on all sides to move forward with resolution and closure."

DEP has been investigating methane contamination in Dimock water supplies since January 2009, when a blast blew a concrete cover off a residential well. The agency has

since traced the methane in the aquifer to improper casing and excessive pressures in Cabot's wells.

Cabot has denied that it caused the contamination, which it says is naturally occurring.

In a press release, the secretary attributed the need for a settlement to "the opposition to the planned waterline and the uncertain future the project faces."

The state's infrastructure investment board, Pennvest, last month approved an \$11.8 million package of grants and loans to fund the waterline project, which was to have been constructed and maintained by Pennsylvania American Water Co. DEP planned to sue Cabot to recover the cost of the line.

But opposition to the line was loudly raised by Cabot as well as residents and elected officials both within and outside Susquehanna County, who called the project a misuse of public funds.

Mr. Hanger said it became clear the waterline would not be built after Republicans won control of both the governorship and the General Assembly during the November elections.

"Cabot's opposition was the opposition of elected members of the General Assembly, whom we respect. Two sit on the Pennvest board and voted against the waterline," he said, naming state Sen. Donald White, R-41, Indiana, and state Rep. Dick Hess, R-78, Bedford.

"It is quite likely that their views will in fact be in the majority come January at Pennvest," he said.

He called the settlement the strongest financial remedy DEP had ever obtained for families impacted by environmental damage. The settlement, which is between only DEP and Cabot, does not preclude Dimock residents from continuing with a lawsuit many families filed against Cabot alleging damage to their health and property because of the company's operations.

"I'm hoping now that everybody can turn the page and move towards a new day," Mr. Hanger said. "I hope, I believe that Cabot is going to operate differently. I hope that this is a part of making the damages that these 19 families have suffered better."

But Craig Sautner, one of the affected residents who is also part of the suit against Cabot, said he feels betrayed by the secretary's decision, especially after the families were given Mr. Hanger's public support and positive signs about the waterline project moving forward. He is also not certain how he will get clean water once Cabot stops delivering the temporary replacement supplies it has provided for over a year.

"A lot of hard work, a lot of fighting, to get sold down the river," he said. "How does the wrong win?"

Woman who lived near Rifle gas fields dies

By John Colson

Post Independent Staff

Posted: 11/17/2010 10:56:23 AM MST

Updated: 11/17/2010 10:58:55 AM MST

Elizabeth Chris Mobaldi at her home in Grand Junction a couple of months ago.
(submitted photo | via Post Independent)

A woman who grew gravely ill after living near gas drilling activities in the Rifle area has died in Grand Junction, to where she and her husband moved to get away from the rigs.

Elizabeth "Chris" Mobaldi, 63, died on Nov. 14, at 4:40 a.m., after a lengthy battle with a rare and persistent tumor of the pituitary gland, according to her husband, Steve.

Industry representatives have long argued that there is no conclusive evidence that proximity to gas wells has adverse effects on the environment or on human health.

According to testimony by Mobaldi before the U.S. House Committee on Oversight and Government Reform in Washington, D.C., the couple suffered symptoms such as headaches, burning eyes and skin, which they believed were related to the drilling rigs as close as 300 feet from their home.

A physician who treated Chris Mobaldi, Dr. Kendall Gerdes of Colorado Springs, said, "When I first met her ... I thought it must be some kind of Eastern European thing."

Asked if he agrees with Steve Mobaldi's assertion that the symptoms are in some way related to exposure to gas drilling activities, Gerdes said simply, "I do."

Richmond, Tom

From: Sharon Sweeney Fee [ssf123@yahoo.com]
Sent: Thursday, June 23, 2011 4:00 PM
To: DNR FracComments
Subject: Fracking rules
Attachments: O&Grules_letter.pdf

To the Oil and Gas Board,

Please find our attached comments to the proposed rule changes related to hydrolic fracturing in Montana.

Thank you for the opportunity to comment.

Sharon Sweeney Fee
President
JBTU



Joe Brooks Chapter #25
P.O. Box 1378
Livingston, MT 59047
(406) 579-7734
www.joebrookstu.org



June 23, 2011

Tom Richmond, Administrator
Montana Board of Oil and Gas Conservation
2523 St. Johns Ave.
Billings, MT. 59102

Dear Mr. Richmond,

I would like to thank you for allowing me the opportunity to comment on the proposed new rule changes for oil and gas well stimulation in the state of Montana. The Board and membership of the Joe Brooks Chapter of Trout Unlimited in Park and Sweet Grass County (JBTU) is very concerned about possible water, air and soil contamination and the effects to our public's health that could occur during hydraulic fracturing. Park and Sweet Grass Counties are rural areas and clean water, air and soil is vital to our citizens and our economy. My comments to the proposed changes are as follows:

New Rule 1:

(2)(a). JBTU would like the notification time before starting any well stimulation be 7 days. We think that this would give landowners time to get any base line monitoring done before the work begins and also give the BOGS staff time to address problems that may arise between the developer and landowners before hand.

(3)(b) JBTU would like this to read "the trade name or generic name of the components or chemicals to be used". We also recommend that the notice give before work begins should be 1 mile from well AND FRACTURE AREA i.e. the underground location of the fracturing operation as horizontal drilling extends away from the surface well head location and ground water well / spring owners within 2 miles of surface and underground operations should be notified. Fracturing fluid transportation routes pre and post operations should also be documented to county and state health officials and state FWP for spill preparedness particularly where aquatic resources are crossed or in close proximity (1/2 mile) to the travel route.

New Rule 2:

(4)(a)(b) JBTU recommends that if a wavier is to be given for (2) or (3) the owner or operator provide all the information asked for under (2) and (3) to the Montana Department of Natural Resources and Conservation (DNRC) to be posted on their

web site for the public to use. DNRC's web page is much easier to use than the IOGCC one we think that DNRC provides a better primary repository for this information. We would also like the wells identified by name, location and permit number.

New Rule 3:

JBTU believes that our public health and safety outweighs any need by the industry to have their trade secrets. While we think it is fair for companies to know how their recipes are made up for fracturing, but we think it is only right to know what chemicals are being used in these recipes in our area. We would like a full list of the chemicals being used for each site and not necessarily how they are being mixed or used.

JBTU believes that emergency personal should not have to agree to a non-disclosure agreement for information provided by the owner/operator in the event of a spill or accident. If there is a real emergency, firemen, police, nurses, doctors, and those helping need to do their jobs and not be worried about "trade secrets".

JBTU would also like to see the new rules include requirements that all wells use a closed-system for the water or product recovery instead of pits with liners. This would include using metal tanks to store the fluids. During heavy rains, ponds can overflow with rain water causing unwanted spills.

JBTU believes that an additional hearing to address these and other proposed new rule changes should be held close to other areas that may be affected by oil and gas well stimulation. We would suggest the Billing area or someplace in Sweet Grass or Park County. On behalf of JBTU, our board and its membership I would like to thank the BOGC for the opportunity to comment of the proposed new rules and I thank you for your hard work with this issue.

Sincerely,

A handwritten signature in blue ink, appearing to read 'S Sweeney Fee', written over a horizontal line.

Sharon Sweeney Fee, RN, PhD
President
Joe Brooks Chapter # 25, Trout Unlimited

Richmond, Tom

From: Brad Shepard [shepard.brad@gmail.com]
Sent: Thursday, June 23, 2011 4:11 PM
To: DNR FracComments
Subject: Comments by Shepard
Attachments: Shepard comments on gas rules.doc

Here are my comments.

Mr. Tom Richmond
Department of Natural Resources and Conservation
2535 St. Johns Avenue
Billings, MT 59102

65 9th Street Island Drive
Livingston, Montana 59047
shepard.brad@gmail.com
June 22, 2011

Via e-mail to: FracComments@mt.gov

Enclosed are my comments regarding the adoption of New Rules I through V regarding oil and gas well stimulation as noticed in MAR Notice No. 36-22-157. I want to stress that I am commenting as a private citizen who lives in Park County, Montana.

NEW RULE II – I believe disclosure of each chemical constituent used should be required in ALL cases. I think these should be listed in an “easy-to-find” web site location that is either housed in a Montana government website or is clearly linked via a Montana government website and can be easily searched to find it.

NEW RULE III – I do not support the option of a company choosing NOT to disclose a chemical compound. I strongly believe that public safety and our Montana constitutional “clean and healthy” environment rights demand full disclosure. I believe it is reasonable to require all companies to disclose the constituents of any compounds they use, but not require them to reveal the exact make-up of these compounds. This would allow companies to maintain proprietary compounds while allowing the public and government regulators to know what chemicals to sample for to investigate for potential environmental contamination and to protect human health.

NEW RULE IV – I fully support maintaining the structural integrity of all well casings and believe this is an important rule.

I have several additional comments. First, I think that Montana should require companies to use “closed” systems for all projects that can use make-up water, but that does not allow for fluid ponds in an open environment. Pond seepage and pond failures have occurred, allowing fracturing fluids to leach into ground and surface waters that may be used for domestic, agricultural, or municipal purposes. Secondly, I recommend that bonding of both exploratory and commercial natural gas fracturing operations be done at a level that ensures sites could be totally reclaimed. Lastly, I believe it is imperative that additional public hearings be held throughout other areas of Montana. A single hearing in Shelby, Montana is woefully inadequate to address the concerns of the citizens of Montana.

Thanks for your consideration.

Sincerely,

Bradley B. Shepard

--

Brad

Brad Shepard, PhD
Senior Aquatic Scientist
Wildlife Conservation Society - Yellowstone Rockies Program
Affiliate Assistant Professor - Montana State University-Bozeman
65 9th Street Island Drive
Livingston, Montana 59047
t + 1 406.223.3011
bshepard@wcs.org
shepard.brad@gmail.com

Mr. Tom Richmond
Department of Natural Resources and Conservation
2535 St. Johns Avenue
Billings, MT 59102

65 9th Street Island Drive
Livingston, Montana 59047
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June 22, 2011

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Thanks for your consideration.

Sincerely,

Bradley B. Shepard

Richmond, Tom

From: Kate Rossetto [katescents@bresnan.net]
Sent: Thursday, June 23, 2011 4:14 PM
To: DNR FracComments

I am sending this to let you know my concerns regarding hydraulic fracturing. I feel there needs to be full disclosure of the ingredients. Having just one hearing in Sidney does not allow sufficient comments from those of us who live in other areas in the state. There needs to be at least one or two more hearing...maybe in Billings, and a city in another county...maybe Stillwater.

Kate Rossetto
2055 Andromeda Ln

Billings, MT

406-245-9182

Richmond, Tom

From: Kathleen Williams [kathleen-home@bresnan.net]
Sent: Thursday, June 23, 2011 4:28 PM
To: DNR FracComments
Subject: comments on frac'ing rules

Tom - Thanks for your work getting draft frac'ing rules out for public review and your and the Board's willingness to pursue this policy. I have a few comments that I hope will be helpful.

- 1) Please compare your hearing and public involvement process with "best practices" of other agencies/boards on rule-making on controversial topics. I have heard concerns that one hearing far away from many who would have liked to provide oral comments, beginning at 10 am in a locale where overnight accommodations were difficult to come by, was not a preferred manner to foster needed public input across the relevant geography. Please evaluate approaches by both DNRC and DEQ (Board of Environmental Review), and adjust your process accordingly. Examples may include metal mine rules, mercury rules, etc.
- 2) I understand improved frac'ing processes require a significant amount of freshwater to conduct. I am not clear whether the fresh water and additional constituents stay in the ground after frac'ing, or are withdrawn. If the latter, I would assume the resulting water would require treatment. It would seem beneficial both for government efficiency, landowner information, and community and natural resource planning if both the source of the frac water, as well as the treating entity were disclosed in the permitting and/or development process. Please include such disclosure in the rules, if that information is not already disclosed, or explain why doing so is not a net benefit to the state, its citizens, and industry planning.
- 3) In conversations about the frac'ing and drilling process, I understood that the way the location of potable water supplies is determined (so as to avoid risk in the frac'ing process) was the use of well logs. I don't know if those are oil and gas well logs, or water well drilling well logs. If the latter, I have often heard this information varies widely in its reliability. I also understand that it is not exceedingly difficult to determine where water (or porous rock that may contain water) is encountered during drilling. I suggest, then, that it would help many in Montana to use the oil and gas drilling process to learn more about subsurface aquifers, and I suggest depth and thickness of permeable/water zones be disclosed by drillers in the drilling/frac'ing process, and that including such disclosure in the rules be evaluated.
- 4) Last, I understand that if diesel is one of the constituents in the frac'ing process that additional permits may be necessary. Please consult with EPA and clarify this in your rules where necessary to ensure the process is clear and ensures a predictable business climate.

Thank you for your consideration. I would welcome learning more about the oil and gas resources and opportunities in Montana, as well as the frac'ing process in a public meeting more accessible than the Sidney location. Whether such a meeting is required may not be as important as whether it would be beneficial to both citizens and industry. I look forward to your response to my suggestions.

Kathleen Williams (Bozeman)

