

# HOUSE BILL No. 4902

July 18, 2013, Introduced by Reps. Tlaib, Hovey-Wright, Robinson, Roberts, Cavanagh, Barnett, Slavens, Lipton, Irwin, Schor, Singh and Darany and referred to the Committee on Energy and Technology.

A bill to amend 1994 PA 451, entitled  
"Natural resources and environmental protection act,"  
(MCL 324.101 to 324.90106) by adding section 20126b.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1           SEC. 20126B. (1) IF GROUNDWATER IN THE VICINITY OF A WELL USED  
2 FOR HYDRAULIC FRACTURING IS DETERMINED TO CONTAIN EITHER OR BOTH OF  
3 THE FOLLOWING THAT WERE INJECTED INTO THAT WELL WHILE CONDUCTING  
4 HYDRAULIC FRACTURING, THERE IS A REBUTTABLE PRESUMPTION THAT THE  
5 PERSON CONDUCTING THE HYDRAULIC FRACTURING IS LIABLE UNDER SECTION  
6 20126 FOR THE CONTAMINATION PRESENT IN THE GROUNDWATER:  
7           (A) ONE OR MORE HAZARDOUS SUBSTANCES.  
8           (B) A HYDRAULIC FRACTURING FLUID TRACER.

1 (2) AS USED IN THIS SECTION:

2 (A) "HYDRAULIC FRACTURING" MEANS INJECTING FOAM OR FLUID IN A  
3 WELL UNDER PRESSURE TO CREATE FRACTURES IN A FORMATION AND THEREBY  
4 ENHANCE PRODUCTION OF HYDROCARBONS.

5 (B) "HYDRAULIC FRACTURING FLUID TRACER" MEANS AN ELEMENT,  
6 COMPOUND, OR ISOTOPE THAT IS ADDED TO HYDRAULIC FRACTURING FLUID TO  
7 DELINEATE GROUNDWATER FLOW PATHS AND ESTIMATE TIME OF TRAVEL, AND  
8 THAT MEETS BOTH OF THE FOLLOWING REQUIREMENTS:

9 (i) THE TRACER SUBSTANCE IS TRACEABLE TO A SPECIFIC PERSON  
10 AFTER THE TRACER SUBSTANCE IS USED IN A HYDRAULIC FRACTURING  
11 OPERATION.

12 (ii) THE DEPARTMENT HAS DETERMINED THAT THE USE OF THE TRACER  
13 SUBSTANCE IN A HYDRAULIC FRACTURING OPERATION WILL NOT ENDANGER  
14 PUBLIC HEALTH, SAFETY, OR WELFARE OR THE ENVIRONMENT.