

HOUSE BILL No. 5366

February 16, 2016, Introduced by Reps. Sarah Roberts, Irwin, Cochran, Hovey-Wright, Darany, Chang, Greig, Plawecki, Townsend, Moss, Faris, Pagan, Love, Wittenberg, Hoadley, Geiss and Zemke and referred to the Committee on Energy Policy.

A bill to amend 1994 PA 451, entitled
"Natural resources and environmental protection act,"
(MCL 324.101 to 324.90106) by adding section 61505b.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 61505B. (1) SUBJECT TO SUBSECTION (2), THE DEPARTMENT
2 SHALL NOT ISSUE A PERMIT OR APPROVE THE MODIFICATION OF A PERMIT
3 UNDER THIS PART THAT ALLOWS HIGH-VOLUME HYDRAULIC FRACTURING.

4 (2) IT IS THE INTENT OF THE LEGISLATURE TO ENACT LEGISLATION
5 TO REPEAL THE MORATORIUM ON HIGH-VOLUME HYDRAULIC FRACTURING UNDER
6 SUBSECTION (1) AFTER LEGISLATION HAS BEEN ENACTED AND APPROPRIATE
7 RULES HAVE BEEN PROMULGATED THAT PROVIDE FOR ALL OF THE FOLLOWING:

8 (A) MODIFICATIONS TO THE WATER WITHDRAWAL ASSESSMENT TOOL
9 UNDER PART 327 TO DO ALL OF THE FOLLOWING:

10 (i) TAKE INTO CONSIDERATION IMPACTS FROM CUMULATIVE WATER
11 WITHDRAWALS.

1 (ii) ACCURATELY ASSESS THE IMPACTS OF HIGH-VOLUME, SHORT-
2 DURATION WATER WITHDRAWALS ASSOCIATED WITH HIGH-VOLUME HYDRAULIC
3 FRACTURING.

4 (iii) TAKE INTO CONSIDERATION IMPACTS TO RIVERS, STREAMS,
5 PONDS, LAKES, AND WETLANDS.

6 (B) THE REPEAL OF THE EXEMPTION FOR OIL AND GAS OPERATIONS IN
7 SECTION 32727.

8 (C) A REQUIREMENT THAT THE APPLICANT PROVIDE FULL AND COMPLETE
9 DISCLOSURE OF CHEMICALS OR ADDITIVES USED IN FRACTURING FLUIDS
10 BEFORE THE DEPARTMENT ISSUES A PERMIT AUTHORIZING HIGH-VOLUME
11 HYDRAULIC FRACTURING.

12 (D) INCREASED PUBLIC PARTICIPATION, INCLUDING BOTH OF THE
13 FOLLOWING:

14 (i) PUBLIC NOTICE TO ALL CITIES, VILLAGES, TOWNSHIPS, AND
15 COUNTIES OF AN APPLICATION FOR A PERMIT OR MODIFICATION OF A PERMIT
16 UNDER THIS PART THAT ALLOWS HIGH-VOLUME HYDRAULIC FRACTURING IN
17 THAT COUNTY, CITY, VILLAGE, OR TOWNSHIP.

18 (ii) A REQUIREMENT THAT THE DEPARTMENT CONDUCT A PUBLIC
19 HEARING ON A PERMIT AT THE REQUEST OF A PERSON THAT MAY BE
20 ADVERSELY IMPACTED BY A HYDRAULIC FRACTURING OPERATION OR THE
21 COUNTY, CITY, VILLAGE, OR TOWNSHIP IN WHICH THE PROPOSED HYDRAULIC
22 FRACTURING OPERATION IS LOCATED.

23 (E) A REQUIREMENT THAT A WELL PAD USED FOR HYDRAULIC
24 FRACTURING SHALL BE LOCATED AT LEAST 5,000 FEET AWAY FROM A
25 RESIDENTIAL BUILDING, A PUBLIC OR PRIVATE SCHOOL, A CHILD CARE
26 FACILITY, A HOSPITAL, OR A PUBLIC PARK OR PLAYGROUND.

27 (3) AS USED IN THIS SECTION:

1 (A) "HIGH-VOLUME HYDRAULIC FRACTURING" MEANS HYDRAULIC
2 FRACTURING THAT IS INTENDED TO USE A TOTAL OF 100,000 GALLONS OR
3 MORE OF HYDRAULIC FRACTURING FLUID.

4 (B) "HYDRAULIC FRACTURING" MEANS INJECTING SUBSTANCES
5 INCLUDING, BUT NOT LIMITED TO, WATER, FLUIDS, CHEMICALS, FOAM, AND
6 PROPPANTS IN A WELL OR IN A ROCK FORMATION UNDER HIGH PRESSURE TO
7 CREATE FRACTURES, FOR PURPOSES OF EXPLORATION, DRILLING,
8 COMPLETION, OR PRODUCTION OF OIL, NATURAL GAS, OR HYDROCARBONS OR
9 TO ENHANCE THE PRODUCTION OF OIL, NATURAL GAS, OR HYDROCARBONS.

10 (C) "HYDRAULIC FRACTURING FLUIDS" MEANS A FLUID AT A WELL SITE
11 THAT IS PREPARED FOR INJECTION INTO A WELL TO ACHIEVE A HYDRAULIC
12 FRACTURING OPERATION, INCLUDING PRIMARY CARRIER FLUIDS AND
13 ADDITIVES.

14 Enacting section 1. This amendatory act takes effect 90 days
15 after the date it is enacted into law.