

HOUSE BILL No. 5370

February 16, 2016, Introduced by Reps. Plawecki, Sarah Roberts, Irwin, Cochran, Hovey-Wright, Darany, Chang, Townsend, Moss, Pagan, Schor, Geiss, LaVoy, Singh, Wittenberg, Hoadley 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 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.

9 (2) AS USED IN THIS SECTION:

10 (A) "HYDRAULIC FRACTURING" MEANS INJECTING FOAM OR FLUID IN A

1 WELL UNDER PRESSURE TO CREATE FRACTURES IN A FORMATION AND THEREBY
2 ENHANCE PRODUCTION OF HYDROCARBONS.

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

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

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

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