

## HOUSE BILL No. 2348

By Committee on Vision 2020

2-13

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1 AN ACT concerning oil and gas; relating to the state corporation  
2 commission; concerning rules and regulations, hydraulic fracturing;  
3 amending K.S.A. 2014 Supp. 55-152 and repealing the existing section.  
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5 *Be it enacted by the Legislature of the State of Kansas:*

6 Section 1. K.S.A. 2014 Supp. 55-152 is hereby amended to read as  
7 follows: 55-152. (a) The commission shall adopt such rules and  
8 regulations necessary for the implementation of this act including  
9 provisions for the construction, operation and abandonment of any well  
10 and the protection of the usable water of this state from any actual or  
11 potential pollution from any well.

12 (b) The commission ~~may~~ *shall* also promulgate rules and regulations  
13 necessary for the supervision and disclosure of any well on which a  
14 hydraulic fracturing treatment is performed. *Such rules and regulations*  
15 *shall be implemented no later than December 31, 2016, and include*  
16 *provisions requiring:*

17 (1) *The collection of monitoring samples from the drilling site and*  
18 *any adjacent water wells within 1,000 feet before and after drilling*  
19 *activities. Baseline water testing may rely on the American petroleum*  
20 *institute's suggestions contained in the API hydraulic fracturing*  
21 *operations well construction and integrity guidelines;*

22 (2) *minimum setback restrictions of 1,000 feet for occupied buildings*  
23 *and surface waters;*

24 (3) *minimum well-casing depths of at least 300 feet below the lowest*  
25 *water-bearing formation;*

26 (4) *pressure testing of well casings and concrete seals, including*  
27 *during stimulation, and establishing cement bond logs. Such testing shall:*

28 (A) *Include ultrasonic imaging to determine pipe-to-cement bonding*  
29 *quality and sonic imaging to determine cement to wellbore integrity;*

30 (B) *ensure that all cement used conforms to the highest standards*  
31 *suggested by the American petroleum institute;*

32 (C) *be conducted at least every five years after completion of the*  
33 *drilling for no less than 20 years;*

34 (D) *be recorded in complete logs to be maintained by the operator*  
35 *and submitted to the commission; and*

36 (E) *ensure that pressures never exceed 90% of the maximum pressure*

1 to which the well was designed during any drilling;

2 (5) complete disclosure of the chemical composition used in  
3 hydraulic fracturing treatment to the landowner, groundwater  
4 management district and the commission. Any proprietary information  
5 shall be made available to the commission and any appropriate emergency  
6 responders in an emergency situation;

7 (6) that operators use impervious artificial liners, not to include clay  
8 or similar liners, and thickness standards when using pits and holding  
9 ponds;

10 (7) that the transportation of all waste fluids is performed by licensed  
11 drivers and removal of such waste is approved by the commission. Any  
12 violations of such requirements would result in a:

13 (A) \$10,000 fine for the first violation;

14 (B) \$50,000 fine for a second violation; and

15 (C) \$100,000 fine and termination of license for a third violation;

16 (8) that operators of a well, or their successors or assigns, shall be  
17 responsible for the maintenance, abandonment or remediation associated  
18 with the drilling or hydraulic fracturing treatments of the well for a period  
19 of 40 years;

20 (9) testing for radiation in drilling mud and flowback fluids;

21 (10) continued monitoring of injection wells for well-integrity and  
22 seismic impacts;

23 (11) the use of methods designed to monitor, minimize and capture  
24 methane releases and other air pollutants;

25 (12) the conservation of water and recycling of fluids;

26 (13) the use of best environmental practices, including the use of  
27 non-toxic additives and water-based proppants, lubricants and stimulants  
28 used in a hydraulic fracturing treatment; and

29 (14) that all such tests or monitoring performed to ensure the  
30 integrity of a well that has been horizontally drilled be performed by an  
31 independent contractor determined by the commission.

32 (c) Any—~~such~~ rules and regulations relating to wells providing  
33 cathodic protection to prevent corrosion to lines shall not preempt existing  
34 standards and policies adopted by the board of directors of a groundwater  
35 management district if such standards and policies provide protection of  
36 fresh water to a degree equal to or greater than that provided by such rules  
37 and regulations. No rules and regulations promulgated pursuant to this  
38 section shall be adopted by the commission until recommendations have  
39 been received from the advisory committee established by K.S.A. 55-153,  
40 and amendments thereto.

41 (b) (d) The commission annually shall review current drilling  
42 methods, geologic formation standards, plugging techniques and casing  
43 and cementing standards and materials. Based on such review, the

1 commission, ~~if necessary, shall amend its~~ *may amend the commission's*  
2 rules and regulations to reflect any changes to be made in such methods,  
3 standards, techniques and materials from the previous year.

4 Sec. 2. K.S.A. 2014 Supp. 55-152 is hereby repealed.

5 Sec. 3. This act shall take effect and be in force from and after its  
6 publication in the statute book.