

**LATHAM & WATKINS** LLP

**Tuesday, March 18, 2014**

9:00 a.m. Pacific | 11:00 a.m. Central | Noon Eastern

Webcast

# Hydraulic Fracturing Update: Legal Developments and Trends

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# Agenda

- **US Federal Regulatory Developments**
- **State Regulatory Developments**
- **Litigation Developments**
- **International Developments**
- **Q&A**

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## US Federal Regulatory Developments

Ann Claassen and Benjamin M. Lawless

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# TSCA Reporting – Petition

- August 4, 2011, 115 organizations petitioned EPA under TSCA §21 to use its authorities to obtain information on oil & gas exploration and production (E&P) chemicals
  - Focus on hydraulic fracturing chemicals
- TSCA §8(a) – Preliminary Assessment & Information Report (PAIR) rule
  - Production, use and exposure-related information
- TSCA §8(c) – Allegations Recording
- TSCA §8(d) – Health & Safety Study reporting
- TSCA §4 – Test Rule
  - Petition -- characterize toxicity of all E&P chemical substances and mixtures; identification of same

# TSCA Reporting – EPA Response

- Nov 2, 2011 – EPA partial response
  - Denied §4 test rule request - petition did not provide sufficient information to meet requirements for requiring testing of E&P chemical substances and mixtures
- Nov 23, 2011 – EPA partial grant of petition
  - Agency will use §8(a) and §8(d) to obtain information on chemicals used in hydraulic fracturing
  - Anticipates focusing on “aggregate pictures” to complement state well-by-well disclosure
  - Will provide ample opportunity for stakeholder dialogue and input
  - Denied petition with respect to other E&P chemicals
  - Notes President’s Blueprint under which natural gas is important component of domestic energy portfolio (reflected in statements of desire to minimize reporting burden)

# TSCA Reporting – Public Notice of Response

- 78 Federal Register 41768 (July 11, 2013)
- EPA will initiate rulemaking for §8(a) and §8(d) hydraulic fracturing chemicals – no commitment to specific outcome
- Will issue Advanced Notice of Proposed Rulemaking (ANPRM)
- Will initiate stakeholder process
  - How to avoid duplication of efforts
  - How to aggregate and disclose CBI data
  - Consult with BLM, DOE, multiple EPA offices, et al.
- Partial denials – more analysis than response letter
  - §8(a) & (d) request for all E&P chemicals overly broad
  - §4 request lacking specificity
  - §8(c) call-in not subject to TSCA §21 petition process

# TSCA Reporting – Rulemaking Schedule

- 2012 regulatory agenda
  - Projected May 2013 for ANPRM
- Spring and Fall 2013 regulatory agendas
  - Project August 2014 for ANPRM
  - Reiterate intention for stakeholder process to discuss design and scope of reporting rules
- March 13, 2014 – EPA sent pre-rule to OMB
  - Because it is not a proposed rule, no deadline for OMB review

# TSCA Reporting – Issues

- Large number of chemicals – resource demands
- What would aggregate §8(a)/(d) information look like?
- Are there sufficient health & environmental risks sufficient to justify need for the rules?
- Are hydraulic fracturing chemicals already sufficiently regulated?
- Would the rules provide additional useful information?
- CBI protections
- Scope of applicability, 40 CFR 712.5(b) and 716.5
  - Petition requests rules for manufacturers, processors and distributors
  - EPA seldom applies rule to processors and never to distributors



# TRI Reporting – Petition

- Oct 24, 2012, 17 environmental advocacy groups filed petition for EPA to add Oil & Gas Industry, SIC Code 13, to list of facilities required to report to the Toxics Release Inventory (TRI) under the Emergency Planning and Community Right-to-Know Act (EPCRA)
- TRI (EPCRA 313; SARA 313) applies to:
  - Facilities in specified SIC/NAICS codes (mostly manufacturing)
  - 10 or more employees
  - Manufactured, processed or used threshold amount of a listed chemical within the calendar year (generally, 25,000 lbs manufactured/processed or 10,000 lbs otherwise used)
  - Submit annual report detailing TRI chemical use, emissions to air and water, treatment, disposal, source reduction and recycling

# TRI Reporting – Implications

- Significant effort for tracking and reporting of TRI chemicals for all aspects of oil & gas production, including hydraulic fracturing
  - E.g., BTEX, metals, quaternary ammoniums, glycol ethers
- Potential disclosure of portion of proprietary formulation information
  - Sufficient trade secret protection?
- TRI report data used by EPA and environmental groups to justify regulation, raise community concern, put facilities into a bad light
- Support for aggregation of wells into single facility?

# TRI Reporting – Curious Timeline

- Oct 24, 2012, Petition filed
  - Some trade press coverage; Latham & Watkins blog
  - Comments submitted by Marcellus Shale Coalition and Washington Legal Foundation
- July 24, 2013, EPA quietly opened a public docket
- July 29, 2013, EPA held a listening session with petitioners
  - “Notes” of meeting placed in docket on Jan 3, 2014
- Jan 3, 2014, EPA notice of public docket, 79 Fed. Reg. 393
  - No mention of listening session
  - No comments solicited
- Jan 30, 2014, environmental groups submit supplemental letter with data on air emissions from oil & gas facilities
- Feb 25, 2014, API meeting with EPA

# TRI Reporting – Issues

- Aggregation of wells?
  - In 1996/97 sector expansion, EPA observed smallest unit of oil & gas (SIC 13) not likely to meet reporting thresholds
  - EPCRA definition of facility: “located on a single site or on contiguous or adjacent sites and which are owned or operated by the same person” EPCRA 329(4)
  - Focus on processing plants & compressor stations?
- Relevance to EPCRA purposes?
  - Information available from other sources?
  - Utility limited by trade secret protection?
- Comments not solicited but accepted

# Dept. of the Interior Proposed Rule

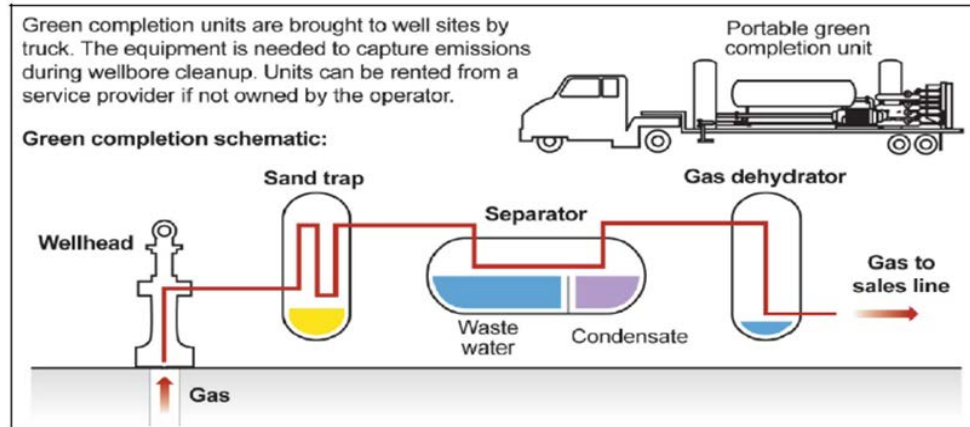
- On May 16, 2013, BLM released a Revised Proposed Rule regulating hydraulic fracturing operations on public and Indian lands



- Main features:
  - The public disclosure of chemicals used in hydraulic fracturing operations on Federal and Indian lands;
  - Confirmation that wells used in hydraulic fracturing operations meet appropriate construction standards;
  - A requirement that operators put appropriate plans in place for managing flowback waters from hydraulic fracturing operations; and
  - Integration with existing state and tribal standards.

# EPA Air Quality Regulations

- EPA published new emission standards for the oil and natural gas sectors in August 2012



- “Reduced emission completions” or “green completions” required for all onshore natural gas wells that are hydraulically fractured
  - Applies to wells fractured or refractured after January 1, 2015
- Rules also establish NSPS and NESHAP standards for storage vessels, certain controllers, certain compressors, onshore processing plants and glycol dehydration units

# Other Federal Developments

- EPA released final permitting guidance in February 2014 for wells hydraulically fractured with diesel fuel
  - Guidance provides roadmap for state regulators on how to permit diesel-fracked wells
- OSHA issued a Proposed Rule in August 2013 proposing more stringent standards for exposure to silica in the workplace
  - The Final Rule could increase litigation risk for hydraulic fracturing operations
- EPA is expected to issue Proposed Rule in 2014 setting discharge standards for hydraulic fracturing wastewater
- Environmental groups petitioned EPA in February 2014 for a rulemaking on ocean discharge criteria in response to reports of hydraulic fracturing wastewater discharges off the California coast

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## State Regulatory Developments

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# The Potential Resource

- California: fourth largest oil producing state, but trend is (1985-2010) down (by 47%)
- Monterey Shale: est. 15 billion barrels; 2/3 of US shale-oil reserves
- Jobs (0.5 to 2.8 million), income (2 to 10% per person), and government revenue (\$4.5 billion to \$24.6 billion) all projected to increase (USC study (2013))



Source: DOE's EIA

# California SB4



- Requires the state Department of Oil, Gas & Geothermal Resources (DOGGR) to adopt regulations regarding well-stimulation permits, public disclosure, neighbor notification, and water well testing.
  - Governor has indicated cleanup legislation may be needed.
- “Well stimulation treatment”—treatment of a well designed to enhance oil and gas production or recovery by increasing the permeability of the formation, including:
  - Hydraulic fracturing
  - Acid fracturing
  - Acid matrix stimulation
- “Well stimulation treatment” does not include traditional waterflood injection or CO<sub>2</sub> enhanced oil recovery.



# Status of Regulations

- Interim regulations effective January 1, 2014
- Final regulations to be effective January 1, 2015
  - Draft regulations published November 15, 2013
  - Public comment period ended January 14, 2014
- July 1, 2015: Final Environmental Impact Report certification

# California Draft Regulations



- Permit program established
- Notice and testing required before well stimulation treatment
  - Permit from DOGGR required before operations / 30 days notice to neighbors
- Monitoring well stimulation treatment
- Groundwater monitoring
- Public disclosure of well stimulation treatment and products used
- Treatment fluid storage and handling requirements
- “Single-Project Authorization”

# California Draft Regulations

- **Permit program established**
  - Operators must obtain a permit from DOGGR for all well-stimulation treatment
  - Permits will be effective for one year
  - SB 4 and the draft regulations set out detailed permit content requirements; e.g. information on the stimulation activity to be performed, the location of the well and surrounding land, a water management plan, and information on chemicals used

# California Draft Regulations



- **Testing before well stimulation treatment**
  - Well cement evaluation testing
  - Testing of geologic and hydrologic isolation of formation
  - Pressure testing
- **Notice before well stimulation treatment**
  - All parcels within 1,500 feet of wellhead
  - All parcels within 500 feet of horizontal projection

# California Draft Regulations



- **Monitoring during operations**
  - Monitor injection pressure, slurry rate, proppant concentration, fluid pressure, and all annuli pressures
  - Terminate if pressure change, pressure too great, or “reason to suspect any potential breach” in casing or isolation
  - Provide data to state to investigate whether breach has occurred
- **Monitoring after operations**
  - First 30 days: every other day; once a month thereafter
    - Production pressure
    - Amount of oil/gas produced and flowback
    - Annular pressures
  - Report due to DOGGR within 60 days of ceasing well stimulation treatment

# California Draft Regulations



- **Groundwater monitoring**
  - Permit application must include certification from Regional Water Quality Control Board that project is covered by monitoring plan
  - Water management plan required
    - Identifies source water
    - Plan for disposal of flowback fluid
  - Neighboring property owners with well suitable for “drinking or irrigation purposes” may require monitoring at operator’s expense





# California Draft Regulations

- **Public disclosure of job and products used**
  - Within 60 days after cessation of operations
  - Some protection for trade secrets
- **Treatment fluid storage and handling requirements**
  - Secondary containment required (but not for portable or temporary production facilities)
  - Spill contingency plan required
  - Also subject to Regional Water Board, DTSC, and AQMD requirements
- **“Single-Project Authorization”**
  - “A single Division approval for multiple applications for permits to perform well stimulation treatments and/or notices of intent to drill or rework wells.”



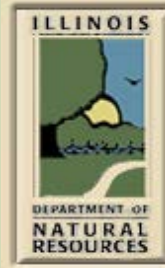
# South Coast Air Quality Mgmt Dist

- Rule 1148.2 – Hydraulic Fracturing Self-Reporting (eff. 6/4/13) – oil and gas well operators must perform the following:
  - (1) notification of operations, no less than 24 hours before commencement;
  - (2) chemical process reporting, including names, quantities of chemicals, within 60 days after completion;
  - (3) air quality reporting, including combustion equipment activity, fugitive dust emissions from on-site mixing operations, potential hydrocarbon and toxic emissions from drilling, and flowback fluids
- SCAQMD to evaluate program after collecting 2 years of data

# Los Angeles



- Nearly 2,000 active wells and 3,000 inactive wells
- February 28, 2014: LA City Council directed staff to prepare an ordinance to ban hydraulic fracturing (e.g., gravel packing, acidizing) until:
  - The City is “assured” with respect to environmental impacts, public notice and comment, government access and testing of chemicals and drilling sites, water supplies, overall public health and safety, safety related to seismic or subsidence concerns
  - The implementation of state and federal legislation and regulations
- Would apply in City of Los Angeles (not unincorporated County)



# Illinois

- Hydraulic Fracturing Regulatory Act, enacted June 17, 2013
  - Presumption of liability for water contamination
  - Prohibits open-air ponds for wastewater storage
  - Contains wastewater management, water monitoring, disclosure and public participation (including citizen suits), setback, and well construction standards/requirements
- Draft regulations released November 15, 2013
  - Presumption of liability applies within 1,500 feet of operations
  - Public comment taken and closed

# Wyoming



- New water monitoring regulation requires testing within 12 months before drilling begins, 36-48 months after drilling, and again at 60-72 months after drilling
  - Applies within 0.5 miles of drilling site
- *Powder River Basin Resource Council et al. v. Wyoming Oil & Gas Conservation Commission*
  - Whether agency acted arbitrarily in finding that individual ingredients in formulas constituted trade secrets and denying petitioners request to inspect public records
  - Agency decision upheld in lower court; appealed to state supreme court, which reversed March 12, 2014
  - HELD: Agency has the burden of justifying the use of a trade secrets exemption

# Colorado



COLORADO  
Department of Natural Resources



- Litigation over local moratoriums continuing
  - Are local moratoriums preempted by state law?
  - *Colorado Oil & Gas Association v. City of Fort Collins*; *Colorado Oil & Gas Association v. City of Lafayette* (filed Dec. 3, 2013)
  - *Colorado Oil & Gas Association v. City of Longmont* (filed Dec. 18, 2012; joined by state; ongoing)
- Colorado Air Quality Control Commission
  - Adopted rules requiring drillers to find and fix methane leaks and install technology to capture 95% of VOCs and methane

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## Litigation Developments

Nicole Vanderlaan Smith

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# Litigation Developments

- *Robinson Township v. Commonwealth of Pennsylvania*, 43 ELR 20276 (Pa. 2013)
  - Significant provisions of state's oil and gas law struck down in favor of local rights
  - Court weighs in with its view of hydraulic fracturing in absence of factual record
- Private plaintiff groundwater contamination litigation trends
  - Strict liability
  - Causation
  - *Lone Pine* case management orders
- The Office of Inspector General's Report on EPA's handling of Range Resources emergency order and withdrawal of same
- Wyoming Supreme Court opinion re trade secret disclosure



# *Robinson Township*

- Suit challenging provisions of PA's Act 13 (enacted in 2012), which amends PA's Oil & Gas Act
- The State Supreme Court struck down several provisions as unconstitutional (and related provisions it found not severable)
  - Three justices found that provisions of Act 13 violate the Environmental Rights Amendment of the State's constitution
  - A fourth justice found the provisions unconstitutional on substantive due process grounds
- The Court also remanded several issues, including whether the statute as a whole remains viable

# *Robinson Township*

- Among the provisions struck down were provisions that:
  - Required local government to authorize oil and gas operations as permitted uses in all zoning districts
  - Prohibit local government from limiting subterranean operations and hours of operation for operation of oil and gas wells, compressor stations, or processing plants
  - Entitled oil and gas operators to automatic waivers of setbacks “upon submission of a plan identifying the additional measures . . . prescribed by the [DEP] to be employed during well site construction, drilling and operations.”

# *Robinson Township*

- In its opinion, the plurality recounted Pennsylvania's historical experience with the environment, stating: the State "has a notable history of what appears retrospectively to have been a shortsighted exploitation of its bounteous environment."
  - It is in this context that the Court talks about and interprets the Environmental Rights Amendment
- From the Environmental Rights Amendment, the plurality summarized and found:
  - "[W]hen government acts, the action must, on balance, reasonably account for the environmental features of the affected locale . . . ."
  - In Pennsylvania, "[p]rotection of environmental values . . . is a quintessential local issue that must be tailored to local conditions."

# *Robinson Township*

- The plurality boldly opined on shale development:
  - “By any responsible account, the exploitation of the Marcellus Shale Formation will produce a detrimental effect on the environment, on the people, their children, and future generations, and potentially on the public purse, perhaps rivaling the environmental effects of coal extraction.”
- The PUC and DEP filed a motion for reconsideration, arguing the Court impermissibly made broad factual findings on its own. The request was denied

- Impacts of *Robinson Township*
  - Will have differing laws governing oil and gas development throughout the State
  - Possible that citizens in other states may try to use the Pennsylvania decision to try to vindicate similar rights
  - Litigants in Pennsylvania could try to use and expand upon the Court's ruling under the Environmental Rights Amendment in other situations, though the opinion was only presented by a plurality
- The state v. local issue is already playing out in other states:
  - Late last month, the Ohio Supreme Court heard arguments regarding whether local governments have authority to regulate and approve the location of oil and gas wells

- Plaintiffs are not having success getting hydraulic fracturing deemed an abnormally dangerous activity
  - Several cases have declined to make a determination one way or another when presented with the issue via a motion to dismiss because it was too early in the proceedings
  - Recently, however, in *Ely v. Cabot Oil & Gas* (M.D. Pa.), the magistrate recommended that the court grant Defendants' motion for summary judgment on the strict liability claim and find as a matter of law that natural gas operations and hydraulic fracturing are not abnormally dangerous activities based on the record developed in this case (discovery had been completed)
    - Cites voluminous record showing the relative safety of natural gas operations and the significant economic benefits
    - Plaintiffs objected to the R&R; the Court has not yet ruled on the objections

- Plaintiffs continue to have trouble establishing causation
  - *Ely v. Cabot Oil & Gas* (M.D. Pa.), 1/9/14 R&R states: “Plaintiffs have offered limited evidence to help substantiate their claims that Defendants’ drilling operations . . . caused contamination of the Plaintiffs’ water supplies . . . . [Plaintiffs’ expert] simply describes possible negligence and opines that fluid migration from the wells, to the extent it occurred, was ‘likely’ due to a lack of due care relating to ‘faulty well design and/or construction.’”)
  - *Hagy v. Equitable Prod. Co.* (5th Cir.), 10/8/13 opinion affirms grant of summary judgment to BJ Services, which found that Plaintiffs “failed to produce any evidence, or even a clear theory, of a negligent act by BJ services that had cause any harm to [them.]”

- Plaintiffs continue to have trouble establishing causation (cont.)
  - *Harris v. Devon Energy Prod. Co.* (5th Cir.), 12/7/12 opinion finds case should have been dismissed with prejudice “[i]n light of the Harris’ concession that they could not prove Devon’s activity caused contamination, and the absence of any evidence explaining the bare lab report on which the suit was initially based, we can only conclude that the . . . dismissal . . . was intended to avoid an imminent adverse result on summary judgment.”



- *Lone Pine* Orders do not appear to be gaining a lot of traction as case management tools
  - Recently, the Colo. Ct. of Appeal in *Strudley v. Antero Resources et al.* overturned the lower court's imposition of a *Lone Pine* order and dismissal of the case after plaintiffs failed to comply
    - Found that this type of order issued after initial disclosures, but before other discovery commences, is prohibited under Colorado law
    - While applying Colo. law, the Court also distinguished this case from others allowing *Lone Pine* Orders because it was not a mass tort case – it involved four family members suing four defendants and involved alleged pollution of only one parcel of land and did not appear to have an excessive number of experts
- We still are not seeing suits brought by cities or water districts as we did with MTBE

- Office of Inspector General (OIG) issued an opinion regarding EPA's emergency order to Range Resources and withdrawal of the same
  - EPA's and the Texas Railroad Commission's findings regarding the source of contamination in two residential wells were at odds
  - EPA issued an emergency order citing Range Resource's production well as causing or contributing to the contamination. Range Resources (and the TX. Railroad Commission) disagreed with EPA's conclusion and litigation ensued, which was settled by Range Resource's agreement to sample 20 water wells in Parker County every three months for a year

- The OIG concluded that EPA had acted properly in withdrawing the emergency order, but suggested further litigation by EPA may be warranted by saying:
  - That the EPA should collect and evaluate the testing results being provided by Range Resources to determine whether they are of sufficient quality and utility, and that it should take “appropriate actions” should it determine the data are not sufficient for it to reach a conclusion concerning the level of contamination of the underground source of drinking water
  - That by using quality data detected and analyzed, EPA should determine whether an imminent and substantial endangerment (ISE) still exists at the original wells that prompted the order and other wells where Range Resources has identified contamination and commit to taking action if it determines an ISE exists

- On March 12, the Wyoming Supreme Court ordered the lower court to determine whether the information on hydraulic fracturing chemicals that environmental groups sought qualified as trade secrets
  - The Wyoming Supreme Court directed the lower court to use the Freedom of Information Act definition of trade secrets in considering claims under the Wyoming Public Records Act



- No special hydraulic fracturing regulations at EU level
- Instead, hydraulic fracturing currently governed by:
  - General purpose environmental, health and safety regulations and directives as well as
  - Directives for mining waste management and site closure
- Individual member states
  - In charge of implementing certain of these EHS directives (e.g., permitting)
  - Have significant discretion to do so in a manner that restricts or even prohibits hydraulic fracturing
- Hydraulic fracturing chemicals
  - Governed by REACH and new Biocidal Products Regulation which became effective on September 1, 2013

- **Permitting and Assessment**
  - Environmental Impact Assessment (EIA) Directive (85/337/EC)
  - Strategic Environmental Assessment (SEA) Directive (2001/42/EC)
  - Water Framework Directive (2000/60/EC)
  - Habitats Directive (92/43/EC)
  - Dangerous substances risk management (Seveso II)
- **Waste and Remediation**
  - Mining Waste Directive (2006/21/EC)
  - Environmental Liability Directive
- **Chemicals and Biocides**
  - Regulation on the registration, evaluation and authorisation of chemicals (REACH)
  - Biocidal Products Regulation (BPR) (528/2012/EC) (replaced Biocidal Products Directive (98/8/EC) as of 9/1/13)

- Hydraulic Fracturing Chemicals: **Before legal to use** must assure that
  - REACH Registration has been submitted by manufacturer and/or importer **and**
  - If high volume (10 tpy) or high risk chemical, Safety Data Sheet includes “exposure scenarios” that cover hydraulic fracturing use
- Biocides: **Before legal to use** must obtain BPR Annex I listing **and** Member State approval
  - BPR Article 5 risk criteria: (1) biocide listed as CMR (carcinogen, mutagen or reproductive toxin); (2) biocide that is PBT (persistent, bioaccumulative toxic) or vPvB (very persistent, very bioaccumulative); or (3) biocide that is an endocrine disruptor
  - No approval for BPR Article 5 biocide without finding that biocide either (i) poses a “negligible” risk to humans or the environment, (ii) is essential to prevent “serious danger” or (iii) non-approval would have a “disproportionate negative impact on society” when compared with the risk posed



- “Recommendations on minimum principles for the exploration and production of hydrocarbons (such as shale gas) using high volume hydraulic fracturing”\*\*
- Issued 22 January, 2014
- Member States -- who “chose” to allow hydraulic fracturing -- are “invited”
  - To give effect by 28 July 2014 and
  - To inform Commission of measures put in place by 31 December 2014 and annually thereafter
- Commission to review effectiveness by July 2015 (may make additional Recommendations or impose mandatory measures)



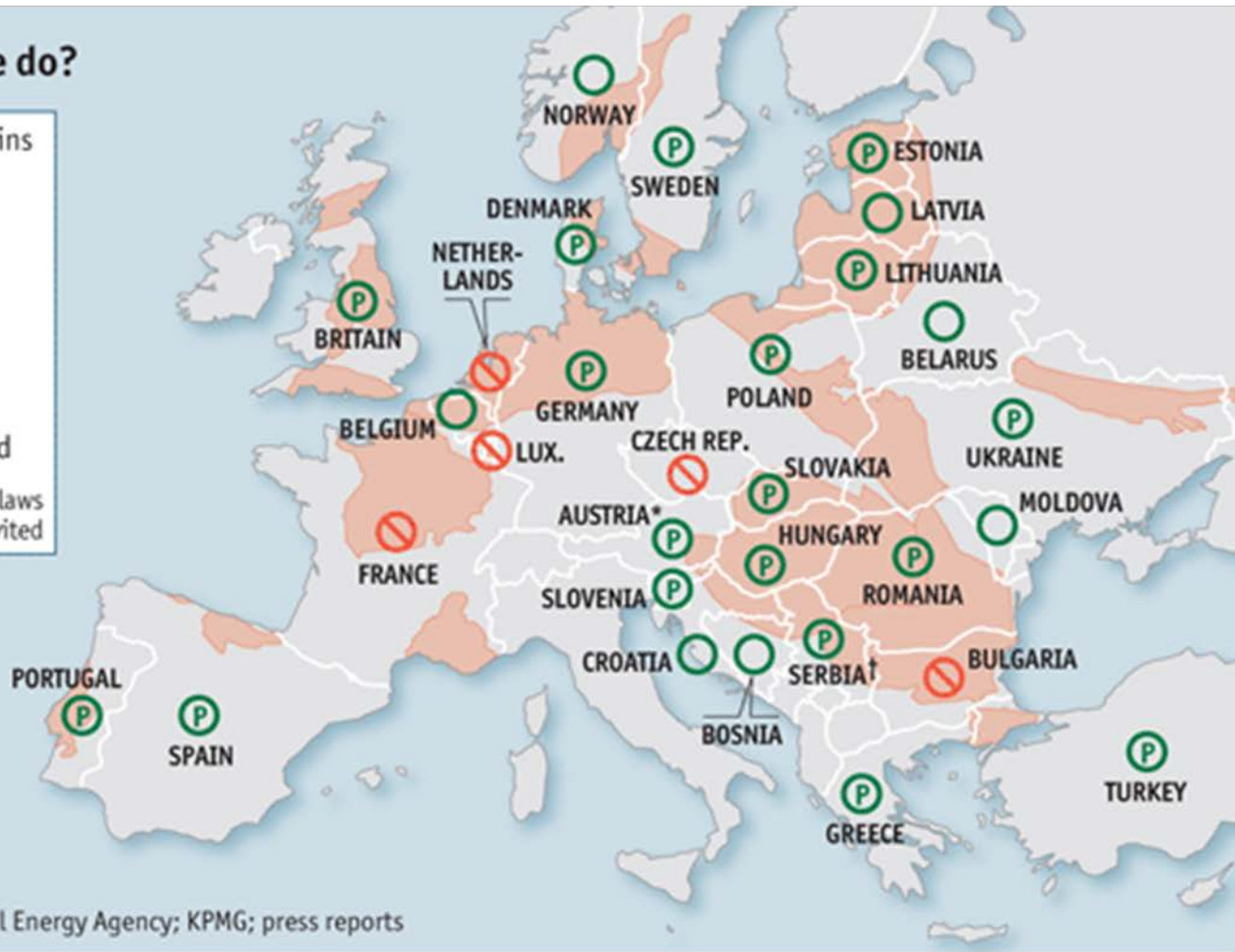
\*\*“High-volume hydraulic fracturing” defined as “injecting 1,000 m<sup>3</sup> or more water per fracturing stage or 10,000 m<sup>3</sup> or more of water during the entire fracturing process.”

- Perform SEA Directive Assessment **with public comment opportunity** before granting any licenses or permits to establish:
  - Restrictions in flood-prone or seismic-prone areas
  - Minimum distances b/t residential and water-protection areas
  - Minimum depth limitations b/t area to be fractured and groundwater
- Require each applicant for license/permit to perform:
  - Site Assessment: Potential for leakage and migration of drilling fluids, fracturing fluids, hydrocarbons and gases
  - Baseline Study: (a) quality and flow characteristics of surface and groundwater; (b) water quality at drinking water abstraction points; (c) air quality; (d) soil condition; (e) presence of methane and VOCs in water; (f) seismicity; (g) land use; (h) biodiversity; (i) infrastructure status; (j) existing wells and abandoned structures

- Require monitoring indicated by Baseline Study **plus**:
  - Precise composition of fracturing fluid used for each well
  - Volume of water used for each well
  - Pressure applied
  - Fluids that emerge at surface after hydraulic fracturing (*e.g.*, return rate, volumes, characteristics, reuse quantities)
  - Air emissions of methane, VOCs and other “harmful” pollutants
- Mandate financial guarantee or equivalent by operator to cover
  - Permit requirements and
  - Potential damages for environmental liabilities

- Operators
  - Volumes of chemicals and of water “intended to be used and finally used”
  - Identity of each substance in hydraulic fracturing fluid
    - Provide Safety data sheet
    - Indicate maximum concentration in hydraulic fracturing fluid
- Authorities
  - Wells completed and planned
  - Identity of permittees and permit conditions
  - Baseline study
  - Monitoring results
  - Incidents and accidents
  - Results of inspections

## What shale we do?



- The EU Commission Recommendations would not require Member States with existing hydraulic fracturing moratorium to allow production
  - France: French court upheld complete ban on hydraulic fracturing and cancellation existing exploration licenses in October 2013
  - Germany: Current government has declared a moratorium on hydraulic fracturing authorizations until health and environmental concerns addressed.
- Several EU countries are aggressively pursuing commercial shale gas production using hydraulic fracturing
  - Poland: First commercial producing hydraulic fracturing wells in Europe expected to begin production in July 2014
  - United Kingdom: Allowed the resumption of shale gas exploration in December 2012 but no commercial production to date





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