

## Department of the Interior Releases Revised Draft Rule on Hydraulic Fracturing

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On May 16, the Bureau of Land Management (“BLM”), an agency within the Department of the Interior, proposed a revised rule for regulating hydraulic fracturing on federal lands. The draft rule was first released in 2012 and received more than 177,000 public comments. Following extensive comments, BLM withdrew the rule and worked on revising it to include more flexibility for oil and gas producers and improve integration with existing state and tribal standards. The revised draft rule maintains three elements of the initial proposal: a requirement that well operators disclose the chemicals used in fracking fluids; improving assurances of well-bore integrity to verify that fracking fluids do not contaminate groundwater; and requiring oil and gas operators to have a water management plan to handle flowback fluids. The revised draft rule did not materially change the provision allowing flowback fluids to be stored in either tanks or lined pits, but the BLM is seeking comment on the costs and benefits of requiring flowback fluids to be stored only in closed tanks. The proposed rule also includes a variance that would exempt oil and gas companies operating in jurisdictions that already have rules at least as stringent as the BLM rule.

Environmental advocacy groups have criticized the draft rule as not protective enough. Industry officials continue to argue that the rule, while an improvement from the prior draft, will have adverse economic consequences. Comments to the revised draft rule will be accepted for 30 days following publication of the proposed rule in the *Federal Register*.

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