Substantive Changes:

Each as individual amendments:

(1) All information should be submitted to the Department or the MEC, with the trade secrets clearly identified. Trade secrets should be protected from public disclosure.

(2) Reduce the number of days for disclosure to 15 days following the hydraulic fracturing treatment. See below

15A NCAC 05D .0XX3 REQUIRED DISCLOSURES

(a) A service company who performs any part of a hydraulic fracturing treatment and a vendor who provides hydraulic fracturing additives directly to the operator for a hydraulic fracturing treatment shall, with the exception of information claimed to be a trade secret, furnish the operator with the information required by subsection 05D .0XX3 Section (b)(1-14) as applicable, and with any other information needed for the operator to comply with subsection 05D .0XX3 Section (b). Such information shall be provided as soon as possible within 15days following the conclusion of the hydraulic fracturing treatment ~~and in no case later than 90 days after the commencement of such hydraulic fracturing treatment~~.

(b) Within ~~30~~ 15 days following the conclusion of a hydraulic fracturing treatment, ~~and in no case later than 60 days~~ after the commencement of such hydraulic fracturing treatment the operator of the well must complete the Chemical Disclosure Registry form and upload the form on the Chemical Disclosure Registry and provide the Department and the Commission with an electronically submitted copy, including:

(3) Clarify that the information required by 15A NCAC 05D .0XX3 (e) is also disclosed to the Department.

(e) If the vendor, service company, or operator claim that the specific identity and/or CAS number or amount of any additive or chemical ingredient used in the hydraulic fracturing treatment(s) is entitled to protection as trade secret information pursuant to G.S. 66-152(3) and G.S. 132-1.2, the operator of the well must indicate on the Chemical Disclosure Registry form and in the electronic submission to the Department that the additive or chemical ingredient is claimed to be entitled to trade secret protection. If a chemical ingredient name and/or CAS number is claimed to be entitled to trade secret protection, the operator of the well on which the hydraulic fracturing treatment(s) were performed must provide the following information:

(4) Clarify Trade Secret Challenge process: some rule provisions refer to the Attorney General's Office determining the legitimacy of a trade secret. This is in conflict with the trade secret challenge provisions.

(5) Ensure that health professionals can disclose to other health professionals.

Nothing in this 15A NCAC 05D .0XX4 shall be construed to prohibit a health professional from disclosing information received under this 15A NCAC 05D .0XX4 to any person the health professional determines necessary in order to assist in the diagnosis or treatment of an individual, including, but not limited to, another health professional, a patient or a public health official. Nothing in this 15A NCAC 05D .0XX4 shall be construed to prohibit a medical professional from making any report required by law or by professional ethical standards. This rule does not authorize a person to withhold information, including information that may qualify for trade secret protection under 15A NCAC 05D .0XX5, that state or federal law requires to be provided to any health professional.

(6) Concern related to timeliness of providing information to health professionals in an emergency.

(7) Technical Corrections (Some of which can be cleaned up in Rules Committee):

15A NCAC 05 D .0XX1 quotes statutory language, which is not appropriate in rules (per the RRC). Suggest deleting it or keeping it for an internal rule reference with a note to delete before proceeding to public comment

15A NCAC 05D. 0XX2 is a broad definitions section. We are likely to need a definitions rule that collects all applicable definitions into a single place (for ease of reference and for consistency). If this rule is within the rule framework, I would expect to pull these definitions into a single place rather than within each rule category.

15A NCAC 05D. 0XX2 (16) Need to include company along with person

15A NCAC 05D .0XX5 (h) Clarify the court for appeals. As I understand the Business Court, appeals go to the NC Court of Appeals, not to a district court. But would request others that practice in front of the Business Court to clarify.