

**Petition to the Montana Board of Oil and Gas Conservation  
EXHIBIT 4**

36.22.608 WELL STIMULATION ACTIVITIES COVERED BY DRILLING PERMIT

(1) Well completions which include hydraulic fracturing, acidizing, or other chemical stimulation done to complete a well are considered permitted activities under the drilling permit for that well only if the processes, anticipated volumes, and types of materials planned for use are expressly described in the permit application for that well. This requirement applies to all wells for which hydraulic fracturing is proposed, including wildcat and exploratory wells.

~~(2) For wildcat or exploratory wells or when the operator is unable to determine that hydraulic fracturing, acidizing, or other chemical treatment will be done to complete the well, the operator must submit a notice of intent to stimulate or chemically treat a well on Form No. 2 prior to commencing such activities provided that:~~

~~(a) the written information describing the fracturing, acidizing, or other chemical treatment must be provided to the board's staff at least 48 hours before commencement of well stimulation activities;~~

~~(23)~~ For the purpose of this section, an adequate description of the proposed well stimulation includes:

(a) the estimated total volume of treatment to be used;

(b) the trade name or generic name of the principle components or chemicals;

(c) the chemical ingredient name, CAS number, volume, and concentration for each ingredient of the well stimulation fluid proposed for use;

~~(e) the estimated amount or volume of the principle components such as viscosifiers, acids, or gelling agents;~~

(d) the estimated weight or volume of inert substances such as proppants and other substances injected to aid in well cleanup, either for each stage of a multistage job or for the total job; and

(e) the maximum anticipated treating pressure or a written description of the well construction specifications which demonstrate that the well is appropriately constructed for the proposed fracture stimulation.

(34) Well stimulation shall not commence fewer than forty-five (45) days after the description required by subsection (2) of this section is submitted to the Board and made available to the public via the Board's website and/or [www.fracfocus.org](http://www.fracfocus.org) (or a publically accessible successor to [www.fracfocus.org](http://www.fracfocus.org)). In lieu of a well-specific design the owner, operator, or service company may provide:

~~(i) a copy of a final design of well treatment actually used for similar wells and which reflects the likely design for the well to be permitted; or~~

~~(ii) a prefiled generic design submitted for specific geologic formations, geographic areas, or well types likely to be used in a particular well.~~

### 36.22.1016 PROPRIETARY CHEMICALS AND TRADE SECRETS

(1) As provided in 30-14-402, MCA, where the formula, pattern, compilation, program, device, method, technique, process, or composition of a chemical product is unique to the owner or operator or service contractor and would, if disclosed, reveal methods or processes entitled to protection as trade secrets, such a chemical need not be disclosed to the board or staff subject to the requirements of this section.

(2) In order to secure the confidentiality protection provided by subsection (1) of this section for specific chemical information, the owner, operator, or service contractor must submit with its well permit application documentation establishing that the chemical information for which confidentiality protection is sought constitutes a trade secret as defined in 30-14-402, MCA. Based on the documentation submitted by the owner, operator, or service contractor and such additional documentation as the Board may require, the Board shall determine in writing whether the chemical information for which confidentiality protection is sought constitutes a trade secret as defined in 30-14-402, MCA.

(i) In the event that the Board determines that the chemical information for which confidentiality protection is sought does not constitute a trade secret as defined in 30-14-402, MCA, the chemical information must be disclosed to the public as provided in ARM 36.22.608 before the chemical at issue may be used for well stimulation.

(ii) In the event that the Board determines that the chemical information for which confidentiality protection is sought does constitute a trade secret as defined in 30-14-402, MCA, ~~T~~the owner, operator, or service contractor ~~may shall~~ identify the trade secret chemical or product by trade name ~~,and inventory name,~~ chemical family name, ~~or other unique name~~ and the quantity of such constituent(s) used and the Board shall disclose the chemical family and quantity information to the public as provided in ARM 36.22.608.

(2) If necessary to respond to a spill or release of a trade secret product the owner, operator, or service contractor must provide to the board or staff, upon request, a list of the chemical constituents contained in a trade secret product. The administrator may request information be provided orally or be provided directly to a laboratory or other third party performing analysis for the board. Board members, board staff, and any third parties receiving trade secret information on behalf of the board may be required to execute a nondisclosure agreement.

(3) The owner, operator, or service contractor must also provide the chemical constituents of a trade secret product to a health professional who provides a written statement that knowledge of the chemical constituents of such product is needed for purposes of diagnosis or treatment of an individual and the individual being diagnosed or treated may have been exposed to the chemical concerned. The health professional may not use the information for purposes other than the health needs asserted in the statement of need, and may be required to execute a nondisclosure agreement.

(4) Where a health professional determines that a medical emergency exists and the chemical constituents of a trade secret product are necessary for emergency treatment, the owner, operator, or service contractor shall immediately disclose the chemical constituents of a product to that health professional upon a verbal acknowledgement by the health professional that such information shall not be used for purposes other than the health needs asserted and that the health professional shall otherwise maintain the information as confidential. The owner or operator or service contractor may request a written statement of need, and a confidentiality agreement from a health professional as soon as circumstances permit.