

**353.6602 Baseline water quality testing required prior to commencement of a high-volume horizontal fracturing treatment on a deep horizontal well.**

- (1) At least twenty (20) days prior to the commencement of a high-volume horizontal fracturing treatment on a deep horizontal well, an operator shall conduct a baseline water quality test of each down-gradient surface water impoundment or water supply from a groundwater source that is used for domestic, agriculture, industrial, or other legitimate use located within one thousand (1,000) feet of the surface location of the proposed deep horizontal well. Between three (3) and six (6) months following the completion of the deep horizontal well, a subsequent water quality test shall be conducted of the water supply where a baseline sample was collected.
- (2) The water quality tests shall be conducted by a laboratory certified by the cabinet for drinking water quality sampling, and the test analysis shall be submitted to the Division of Oil and Gas and to the water supply owner within thirty (30) days of the receipt of the analysis. Each set of samples collected under this section shall include analysis for:
  - (a) pH;
  - (b) Total dissolved solids, dissolved methane, dissolved propane, dissolved ethane, alkalinity, and specific conductance;
  - (c) Chloride, sulfate, arsenic, barium, calcium, chromium, iron, magnesium, selenium, cadmium, lead, manganese, mercury, and silver;
  - (d) Surfactants;
  - (e) Benzene, toluene, ethyl benzene, and xylene; and
  - (f) Gross alpha and beta particles to determine the presence of any naturally occurring radioactive materials.
- (3) The Division of Oil and Gas shall develop a form for an operator to document a water supply owner's permission to collect a water sample. An operator is exempt from the requirements of this section if a water supply owner refuses to grant access despite an operator's good faith efforts to obtain consent to acquire the necessary water quality samples. An operator shall document the good faith efforts used to seek consent from the water supply owner who refused access to conduct the water quality sampling. The operator shall submit the documented good faith efforts to the Division of Oil and Gas.

**Effective:** June 24, 2015

**History:** Created 2015 Ky. Acts ch. 21, sec. 6, effective June 24, 2015.