

**RULES  
OF THE  
OIL AND GAS PROGRAM  
DIVISION OF WATER RESOURCES**

**CHAPTER 0400-53-01  
COMPLETION, RECOMPLETION, AND RELATED DOWNHOLE WORK**

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**0400-53-01-.01 TIME LIMIT FOR WELL COMPLETION.**

All wells drilled in connection with the production of oil and gas, unless plugged in accordance with well abandonment procedures as stated in Chapter 0400-52-09, shall be completed within 1 year from cessation of drilling unless the operator is following the procedures outlined in Rule 0400-52-09-.06 Temporary Abandonment.

**Authority:** T.C.A §§ 60-1-201 et seq., and 4-5-201 et seq. **Administrative History:** Original rule filed March 20, 2013; effective June 18, 2013.

**0400-53-01-.02 NOTIFICATION FOR RE-ENTRY.**

Notification to the supervisor is required prior to conducting work for the purpose of deepening a well pursuant to producing oil and/or gas.

The operator shall notify the Supervisor 24 hours in advance of conducting this proposed operation.

This rule shall not deter an operator from taking immediate action in an emergency to prevent damage when a service company, other than the drilling contractor, performs any work germane to this rule. The service company shall furnish the operator, and the operator upon request shall furnish the Supervisor with legible and exact copies of reports furnished the owner or operator of the well.

**Authority:** T.C.A §§ 60-1-201 et seq., and 4-5-201 et seq. **Administrative History:** Original rule filed March 20, 2013; effective June 18, 2013.

**0400-53-01-.03 REPORT FILING.**

The operator shall file a Well History, Work Summary and Completion or Recompletion Report (Form CN-0221) with the Supervisor within 60 days after completing, recompleting or working over a well pursuant to producing oil and/or gas. Wells shall be considered completed when they are capable of being turned into the tanks and/or gas transmission or gathering lines. Well history information shall include the actual materials and volumes used to fracture, the amounts and concentrations of any additives used, the amount of wastewater generated, and the method of disposal of wastewater, for the purpose of making this information easily available to the public.

- (1) Required disclosures. In the case of any well fractured using a cumulative total of greater than 200,000 gallons of water-based liquids, the following shall apply:
  - (a) Vendor and service provider disclosures. Service providers who perform any part of a hydraulic fracture using greater than 200,000 gallons of water based liquids and vendors who provide hydraulic fracturing additives directly to the operator for such a

(Rule 0400-53-01-.03, continued)

hydraulic fracture shall, with the exception of information claimed to be a trade secret, furnish the operator with the information required by subparagraph (b) of this paragraph., as applicable. Such vendors and service providers shall provide this information as soon as possible within 30 days following the conclusion of the fracturing activity and in no case later than 90 days after the commencement of the fracturing activity.

- (b) Operator disclosures. Within 60 days following the conclusion of a hydraulic fracture using greater than 200,000 gallons of water-based liquids, and in no case later than 120 days after the commencement of such hydraulic fracturing activity, the operator of the well shall complete the chemical disclosure registry form and post the form on the chemical disclosure registry, including:
1. the operator name;
  2. the date of the hydraulic fracture;
  3. the county in which the well is located;
  4. the API number for the well;
  5. the well name and number;
  6. the longitude and latitude of the wellhead;
  7. the true vertical depth of the well;
  8. the total volume of water used in the hydraulic fracturing of the well or the type and total volume of the base fluid used in the fracturing, if something other than water;
  9. each hydraulic fracturing additive used in the hydraulic fracturing fluid and the trade name, vendor, and a brief descriptor of the intended use of function of each hydraulic fracturing additive in the hydraulic fracturing fluid;
  10. each chemical intentionally added to the base fluid;
  11. the maximum concentration, in percent by mass, of each chemical intentionally added to the base fluid; and
  12. the chemical abstract service number for each chemical intentionally added to the base fluid, if applicable.
- (c) If the vendor, service provider, or operator claim that the specific identity of a chemical, the concentration of a chemical, or both the specific identity and concentration of a chemical is/are claimed to be a trade secret, the operator of the well shall so indicate on the chemical disclosure registry form and, as applicable, the vendor, service provider, or operator shall submit to the Supervisor a Claim of Entitlement Form notifying the Supervisor that the specific identity of a chemical, the concentration of a chemical, or both is being withheld as a trade secret. The operator shall nonetheless disclose all information required under subparagraph (b) of this rule that is not claimed to be a trade secret. If a chemical is claimed to be a trade secret, the operator shall also include in the chemical registry form the chemical family or other similar descriptor associated with such chemical.

(Rule 0400-53-01-.03, continued)

- (d) Unless the information is entitled to protection as a trade secret, information submitted to the Supervisor or posted to the chemical disclosure registry is public information.
  - (e) Inaccuracies in information. A vendor is not responsible for any inaccuracy in information that is provided to the vendor by a third party manufacturer of the hydraulic fracturing additives. A service provider is not responsible for any inaccuracy in information that is provided to the service provider by the vendor. An operator is not responsible for any inaccuracy in information provided to the operator by the vendor or service provider.
  - (f) Disclosure to health professionals. Vendors, service companies, and operators shall identify the specific identity and amount of any chemicals claimed to be a trade secret to any health professional who requests such information in writing if the health professional provides a written statement of need for the information and executes a confidentiality agreement. The written statement of need shall be a statement that the health professional has a reasonable basis to believe that (1) the information is needed for purposes of diagnosis or treatment of an individual, (2) the individual being diagnosed or treated may have been exposed to the chemical concerned, and (3) knowledge of the information will assist in such diagnosis or treatment. The confidentiality agreement shall state that the health professional shall not use the information for purposes other than the health needs asserted in the statement of need, and that the health professional shall otherwise maintain the information as confidential. Where a health professional determines that a medical emergency exists and the specific identity and amount of any chemicals claimed to be a trade secret are necessary for emergency treatment, the vendor, service provider, or operator, as applicable, shall immediately disclose the information to that health professional upon a verbal acknowledgment by the health professional that such information shall not be used for purposes other than the health needs asserted and that that health professional shall otherwise maintain the information as confidential. The vendor, service provider, or operator, as applicable may request a written statement of need, and a confidentiality agreement from all health professionals to whom information regarding the specific identity and amount of any chemicals claimed to be a trade secret was disclosed, as soon as circumstances permit. Information so disclosed to a health professional shall in no way be construed as publicly available.
- (2) Disclosures not required. A vendor, service provider, or operator is not required to:
- (a) disclose chemicals that are not disclosed to it by the manufacturer, vendor, or service provider;
  - (b) disclose chemicals that were not intentionally added to the hydraulic fracturing fluid; or
  - (c) disclose chemicals that occur incidentally or are otherwise unintentionally present in the trace amounts, may be the incidental result of a chemical reaction or chemical process, or may be constituents of naturally occurring materials that become part of a hydraulic fracturing fluid.
- (3) Trade secret protection. Vendors, service companies, and operators are not required to disclose trade secrets to the chemical disclosure registry or in the Well History Report. If the specific identity of a chemical, the concentration of a chemical, or both the specific identity and concentration of a chemical are claimed to be entitled to protection as a trade secret, the vendor, service provider or operator may withhold the specific identity, the concentration, or both the specific identity and concentration of the chemical, as the case may be, from the information provided to the chemical disclosure registry or in the Well History Report, in the manner provided by paragraph (1) of this rule.

(Rule 0400-53-01-.03, continued)

- (a) The vendors, service providers, or operators, as applicable, shall provide the specific identity of a chemical, the concentration of a chemical, or both of a chemical claimed to be a trade secret to the Board upon request from the Supervisor stating that such information is necessary to respond to a spill or release or a complaint from a person who may have been directly and adversely affected or aggrieved by such spill or release. Upon receipt of a written statement of necessity, such information shall be disclosed by the vendor, service provider, or operator, as applicable, directly to the Supervisor or his representative and shall in no way be construed as publicly available.
  - (b) The Supervisor or his representative may disclose information regarding the specific identity of a chemical, the concentration of a chemical, or both the specific identity and concentration of a chemical claimed to be a trade secret to additional Department staff members to the extent that such disclosure is necessary to allow the Department staff member receiving the information to assist in responding to the spill, release, or complaint, provided that such individuals shall not disseminate the information further. In addition, the Supervisor may disclose such information to any Board Member, the relevant county public health director or emergency manager, or to the Tennessee Department of Public Health or the Tennessee Department of Environment and Conservation Directors upon request by that individual. Any information so disclosed to the Supervisor, a Department staff member, a Board Member, a county public health director or emergency manager, or to the Tennessee Department of Public Health or the Tennessee Department of Environment and Conservation Directors shall at all times be considered confidential and shall not be construed as publicly available. The Tennessee Department of Public Health and the Tennessee Department of Environment and Conservation Directors, or his or her designee, may disclose such information to their respective staff members under the same terms and conditions as apply to the Supervisor.
- (4) Any party who is adversely affected by a claim of trade secret that the party believes to be improper may file an action for damages pursuant to T.C.A. § 60-1-403 or for injunctive relief pursuant to T.C.A. § 47-25-1703(c).

**Authority:** T.C.A §§ 60-1-201 et seq., and 4-5-201 et seq. **Administrative History:** Original rule filed March 20, 2013; effective June 18, 2013.

**0400-53-01-.04 GAS/OIL RATIO TESTS.**

- (1) All oil wells drilled shall be equipped so that gas/oil ratios can be taken at any time. Production and gas/oil ratio tests shall be made when requested by the Supervisor, and shall be witnessed by the Supervisor or his representative.
  - (a) Gas production potential tests shall be made on the Gas Well Deliverability Tests (Form R-DT-1) and submitted as prescribed above to the Supervisor, and conducted every three years until the well is plugged and abandoned when requested by the Supervisor.
  - (b) Gas wells shall not be tested by the "open-flow" method. The back-pressure method of determining the open-flow, as outlined by the Bureau of Mines in their Monograph 1, "Back-Pressure Data on Natural Gas Wells", shall be used. When for any reasons, the completed back-pressure method is not feasible, an acceptable method, not entailing excessive physical waste of gas may be used upon recommendation of the Department.
  - (c) Gas/Oil (c: Gas/Condensate) ratios shall be reported on Form CN-0221.

(Rule 0400-53-01-.04, continued)

- (d) In the event any operator considers that, for the purpose of determining field allowable, his well has not had a fair determination of its gas/oil ratio, or that its gas/oil ratio has changed because of natural causes or corrective work on his well, he may make application in writing to the Supervisor for a re-test or a special test of the gas/oil ratio of his well, and for an adjustment of his well if applicable. If, upon re-testing a well, the Supervisor finds that the new gas/oil ratio justifies a change in the allowable, he is authorized to make such change.

**Authority:** T.C.A §§ 60-1-201 et seq., and 4-5-201 et seq. **Administrative History:** Original rule filed March 20, 2013; effective June 18, 2013.

**0400-53-01-.05 RESERVED**

**Authority:** T.C.A §§ 60-1-201 et seq., and 4-5-201 et seq. **Administrative History:** Original rule filed March 20, 2013; effective June 18, 2013.

**0400-53-01-.06 GAS COMPOSITION ANALYSIS.**

Gas Composition Analysis shall be completed and submitted to the Supervisor within 60 days after the Supervisor requests such data.

**Authority:** T.C.A §§ 60-1-201 et seq., and 4-5-201 et seq. **Administrative History:** Original rule filed March 20, 2013; effective June 18, 2013.

**0400-53-01-.07 BOTTOMHOLE PRESSURE TESTS.**

Bottomhole Pressure Tests shall be conducted and submitted to the Supervisor within 60 days after the Supervisor requests such data.

**Authority:** T.C.A §§ 60-1-201 et seq., and 4-5-201 et seq. **Administrative History:** Original rule filed March 20, 2013; effective June 18, 2013.

**0400-53-01-.08 RESERVED.**

**Authority:** T.C.A §§ 60-1-201 et seq., and 4-5-201 et seq. **Administrative History:** Original rule filed March 20, 2013; effective June 18, 2013.

**0400-53-01-.09 RESERVED.**

**Authority:** T.C.A §§ 60-1-201 et seq., and 4-5-201 et seq. **Administrative History:** Original rule filed March 20, 2013; effective June 18, 2013.