First Look: Bureau of Land Management's Rescission of 2015 Hydraulic Fracturing Rule

Rescinds Obama administration rule that required hydraulic fracturing ("fracking") operators on Federal and Indian Lands to adhere to certain monitoring and reporting requirements.

WHAT IT DOES

On December 29th, 2017, the Bureau of Land Management (BLM) published a Final Rule entitled "Oil and Gas; Hydraulic Fracturing on Federal Lands; Rescission of a 2015 Rule." This Rule rescinded a 2015 Rule entitled "Oil and Gas; Hydraulic Fracturing on Federal and Indian Lands" that required oil and gas operators to apply to the BLM before conducting hydraulic fracturing ("fracking") operations on applicable lands. The application process enacted by the 2015 Rule included disclosure of water sources for fracking operations, description of nearby wells that could be affected by operations, disclosure of chemicals used and other monitoring and reporting requirements.

The 2015 Rule was never fully implemented as its legality was tied up in court; the case has since been dismissed following the Trump administration’s decision to rescind the rule. With the publication of the new Final Rule, BLM justified rescission of the 2015 rule on the basis that its requirements were unnecessary and overly burdensome to oil and gas producers.

STATUS

The rule was finalized by the Bureau of Land Management and made effective on December 29, 2017.

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