



# Minnesota Department of Health (MDH) - Recommendations Minnesota Gas Resources Technical Advisory Committee (GTAC)

# Enacted 2024 Legislation

## Enacted 2024 Legislation:

1. Authorization to lease land for gas extraction
2. Expedited rulemaking for gas production
3. Moratorium on production of gas until rules adopted or legislature approves a temporary permit framework
4. Form a technical advisory committee to make recommendations on a temporary regulatory framework for gas production to the legislature

### Sec. 23. [93.513] PROHIBITION ON PRODUCTION OF GAS OR OIL WITHOUT PERMIT.

Subdivision 1. **Permit required.** Except as provided in section 103I.681, a person must not engage in or carry out production of gas or oil from consolidated or unconsolidated formations in the state unless the person has first obtained a permit for the production of gas or oil from the commissioner of natural resources. Any permit under this section must be protective of natural resources and require a demonstration of control of the extraction area through ownership, lease, or agreement. For purposes of this section, "gas" includes both hydrocarbon and nonhydrocarbon gases. For purposes of this section, "production" includes extraction and beneficiation of gas or oil.

Subd. 2. **Moratorium.** Until rules are adopted under section 93.514, the commissioner may not grant a permit for the production of gas or oil unless the legislature approves a temporary permit framework that allows issuance of temporary permits.

**EFFECTIVE DATE.** This section is effective the day following final enactment.

### Sec. 24. [93.514] GAS AND OIL PRODUCTION RULEMAKING.

(a) The following agencies may adopt rules governing gas and oil exploration or production, as applicable:

(1) the commissioner of the Pollution Control Agency may adopt or amend rules regulating air emissions, water discharges, including stormwater management, and storage tanks as they pertain to gas and oil production;

(2) the commissioner of health may adopt or amend rules on groundwater and surface water protection, exploratory boring, construction, drilling, registration and licensure, and inspections as they pertain to the exploration and appraisal of gas and oil resources;

(3) the Environmental Quality Board may adopt or amend rules to establish mandatory categories for environmental review as they pertain to gas and oil production;

(4) the commissioner of natural resources must adopt or amend rules pertaining to the conversion of an exploratory boring to a production well, pooling, spacing, unitization, well abandonment, siting, financial assurance, and reclamation for the production of gas and oil; and

(5) the commissioner of labor and industry may adopt or amend rules to protect workers from exposure and other potential hazards from gas and oil production.

(b) An agency adopting rules under this section must use the expedited procedure in section 14.389. Rules adopted or amended under this authority are exempt from the 18-month time limit under section 14.125. The agency must publish notice of intent to adopt expedited rules within 24 months of the effective date of this section.

(c) For purposes of this section, "gas" includes both hydrocarbon and nonhydrocarbon gases. "Production" includes extraction and beneficiation of gas or oil from consolidated or unconsolidated formations in the state.

(d) Any grant of rulemaking authority in this section is in addition to existing rulemaking authority and does not replace, impair, or interfere with any existing rulemaking authority.

**EFFECTIVE DATE.** This section is effective the day following final enactment.

### Sec. 25. [93.516] GAS AND OIL LEASING.

Subdivision 1. Authority to lease. (a) With the approval of the Executive Council, the commissioner of natural

# Minnesota Gas Resources Technical Advisory Committee (GTAC) - Members

- Department of Natural Resources
- Pollution Control Agency
- Environmental Quality Board
- Department of Health
- Department of Revenue

# MDH – GTAC Recommendations

- MDH recommendations pertain to gas well construction and sealing
- MDH goals are to protect public health and groundwater



# MDH – GTAC Recommendations

Modifications to existing statute (Minnesota Statutes, chapter 103I):

- Modify the definition of Exploratory Boring
- Modify the definition of Well
- Establish a definition for a gas well

# MDH – GTAC Recommendations

## New Authority:

- License a person or company to perform regulated work on gas wells
- Create a gas well construction and sealing notification process
- Require access to gas well sites for inspection
- Require reporting of occurrences with potentially significant adverse public health or environmental effect

# MDH – GTAC Recommendations

## Gas well construction:

- Drilling fluids must be water or air based with approved additives
- A gas well must meet required isolation distances
- A gas well must be constructed with approved casing and grout
- Prohibit hydraulic fracturing a gas well

# MDH – GTAC Recommendations

Managing potential contamination of groundwater and protecting public health

- Injection into a gas well is prohibited
- Disposal of drilling fluids, treatment chemicals, and discharge water must be according to federal, state, and local requirements
- Groundwater must be protected during construction and sealing of a gas well
- Sealing a gas well must prevent contamination of groundwater and escape of gas to the environment



# Provide Comments to GTAC

Draft recommendations will be published for public comment on December 2, 2024, and available on the GTAC webpage ([www.gasproductionrules.mn.gov](http://www.gasproductionrules.mn.gov))

The public is encouraged to review and provide input before recommendations are finalized. Comments will be accepted through December 23, 2024. You may provide feedback in the following ways:

- Online at the GTAC webpage ([www.gasproductionrules.mn.gov](http://www.gasproductionrules.mn.gov))
- By email, [GTAC@state.mn.us](mailto:GTAC@state.mn.us)
- By mail, ATTN: GTAC, 500 Lafayette Road N, Box 45, St. Paul, MN 55155-4045
- Please join us in person at public meetings
  - December 12, 2024, 6:00 – 9:00 p.m. at Giant's Ridge, Biwabik
  - December 17, 2024, 6:00 – 9:00 p.m. at Eagan Community Center

