

7592--A

I N S E N A T E

April 23, 2010

Introduced by Sens. ADDABBO, DILAN, KRUEGER, MONTGOMERY, ONORATO, OPPENHEIMER, PADAVAN, PERALTA, PERKINS, SAVINO, SCHNEIDERMAN, SERRANO, SQUADRON, STAVISKY -- read twice and ordered printed, and when printed to be committed to the Committee on Environmental Conservation -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to establish a moratorium upon conducting hydraulic fracturing pending the issuance of a report thereon by the federal Environmental Protection Agency; and providing for the repeal of such provisions upon the expiration thereof

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. (a) Notwithstanding any provision of law to the contrary,
2 there is hereby established a moratorium upon the issuance of new
3 permits for horizontal drilling which utilizes the practice of hydraulic
4 fracturing in the state. The purpose of such moratorium shall be to
5 afford the state and its residents the opportunity to review a report to
6 be issued by the federal Environmental Protection Agency on the effects
7 of hydraulic fracturing on water quality and public health.
8 (b) For the purposes of this section, "hydraulic fracturing" shall
9 mean fracturing of rock by man-made fluid-driven fracturing techniques
10 for the purpose of stimulating natural gas or oil well production.
11 (c) For the purposes of this section, "horizontal drilling" shall mean
12 a technique whereby a vertical wellbore is turned up to ninety degrees
13 and drills in a generally horizontal direction for the purpose of stimu-
14 lating natural gas or oil well production.
15 (d) This section shall not apply to permits issued prior to the effec-
16 tive date of this act for horizontal drilling operations which utilize
17 hydraulic fracturing that are subject to renewal.
18 S 2. This act shall take effect immediately, and shall expire and be
19 deemed repealed on the one hundred twentieth day after the federal Envi-
20 ronmental Protection Agency issues a report on the effects of hydraulic
21 fracturing on water quality and public health. Provided, that the
22 commissioner of environmental conservation shall notify the legislative

EXPLANATION--Matter in *ITALICS* (underscored) is new; matter in brackets
[] is old law to be omitted.

LBD16567-05-0

1 bill drafting commission upon the issuance by the federal Environmental
2 Protection Agency of the report on the effects of hydraulic fracturing
3 on water quality and public health referred to in subdivision (a) of
4 section one of this act in order that such commission may maintain an
5 accurate and timely effective data base of the official text of the laws
6 of the state of New York in furtherance of effectuating the provisions
7 of section 44 of the legislative law and section 70-b of the public
8 officers law.