

3397

2013-2014 Regular Sessions

I N S E N A T E

February 1, 2013

Introduced by Sen. ADDABBO -- read twice and ordered printed, and when printed to be committed to the Committee on Environmental Conservation

AN ACT to amend the environmental conservation law, in relation to requiring treatment works to test waste from hydraulic fracturing operations to test for radioactivity

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

1 Section 1. The environmental conservation law is amended by adding a
2 new section 17-0833 to read as follows:

3 S 17-0833. INDUSTRIAL WASTE FROM HYDRAULIC FRACTURING OPERATIONS.

4 1. THE COMMISSIONER SHALL, AFTER HOLDING A PUBLIC HEARING WITH DUE
5 NOTICE, PROMULGATE REGULATIONS REQUIRING TREATMENT WORKS WHICH TREAT
6 INDUSTRIAL WASTE FROM HYDRAULIC FRACTURING OPERATIONS CONDUCTED BY A
7 PERMIT HOLDER UNDER TITLE FIVE OF ARTICLE TWENTY-THREE OF THIS CHAPTER
8 TO CAUSE TESTS TO BE PERFORMED ON THE WATER DISCHARGED THEREFROM.

9 2. FOR PURPOSES OF THIS SECTION, TESTS TO BE PERFORMED ON THE WATER
10 SHALL MEAN WATER SAMPLING TO IDENTIFY COMPOUNDS OR CONTAMINANTS OF
11 CONCERN. COMPOUNDS OR CONTAMINANTS OF CONCERN SHALL INCLUDE INGREDIENTS
12 CONTAINED IN HYDRAULIC FRACTURING FLUIDS AND CHEMICAL TREATMENTS,
13 INCLUDING, BUT NOT LIMITED TO, RADIOACTIVE CONTAMINANTS SUCH AS RADIUM
14 AND ANY OTHER CONTAMINANTS IDENTIFIED BY THE DEPARTMENT.

15 3. NO WASTE FROM HYDRAULIC FRACTURING OPERATIONS OUTSIDE THE STATE OF
16 NEW YORK SHALL BE ACCEPTED, TREATED OR DISCHARGED BY ANY PERMIT HOLDER
17 PURSUANT TO THIS ARTICLE.

18 4. FOR PURPOSES OF THIS SECTION "HYDRAULIC FRACTURING" MEANS A PROCESS
19 USED TO CREATE FRACTURES IN ROCK BY MAN-MADE FRACTURING TECHNIQUES FOR
20 THE PURPOSES OF STIMULATING NATURAL GAS OR OIL WELL PRODUCTION.

21 S 2. This act shall take effect on the ninetieth day after it shall
22 have become a law; provided, however, that effective immediately, the
23 addition, amendment and/or repeal of any rule or regulation necessary
24 for the implementation of this act on its effective date are authorized
25 and directed to be made and completed on or before such effective date.

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

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