

# STATE OF NEW YORK

6997

2017-2018 Regular Sessions

## IN ASSEMBLY

March 29, 2017

Introduced by M. of A. BUCHWALD, ORTIZ, MOSLEY, LAVINE, GUNTHER, BICHOTTE, GALEF, THIELE, CAHILL, STECK, ZEBROWSKI, ROZIC, HOOPER, MONTESANO, GLICK, SIMON, GOTTFRIED, CARROLL, WILLIAMS -- Multi-Sponsored by -- M. of A. COOK, D'URSO, NOLAN -- read once and referred to the Committee on Environmental Conservation

AN ACT to amend the environmental conservation law, in relation to creating the "High-volume Hydraulic Fracturing Waste Tracking Program"

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Article 23 of the environmental conservation law is amended by adding a new title 25 to read as follows:

### TITLE 25

#### HIGH-VOLUME HYDRAULIC FRACTURING WASTE TRACKING PROGRAM

##### Section 23-2501. Definitions.

##### 23-2503. High-volume hydraulic fracturing waste tracking program.

##### § 23-2501. Definitions.

1. "Flowback fluid" means liquids produced during initial completion and clean up of the well or clean up of a well following re-fracture or work over of a well.

2. "Generators" means any owner or operator of an oil or gas well pad whose acts or processes produce solid or liquid waste.

3. "High-volume hydraulic fracturing" or "(HVHF)" means hydraulic fracturing for natural gas extraction using greater than 300,000 gallons of water regardless of whether the well is vertical, directional or horizontal.

4. "Manifest" means the form used for identifying the quantity, composition, and the origin, routing, and destination of liquid and solid waste during its transportation from the point of generation to any intermediate points and finally to the point of ultimate disposal.

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

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1     5. "Oil and gas production" means all activities associated with the  
2 exploration and production of oil and gas, including, but not limited  
3 to, (a) development of oil and gas wells; (b) activities associated with  
4 drilling, stimulating, completing, or operating an oil or gas well; (c)  
5 activities associated with the construction or operation of facilities  
6 for the collection and transmission of oil and gas from oil and gas  
7 wells to consumers; and (d) the transportation of materials associated  
8 with an oil and gas well site or production whether or not the oil or  
9 gas is re-injected into the subsurface of the earth, from a geological  
10 formation and the transportation of that oil or gas to another location.

11     6. "Production brine" or "produced water" means liquids co-produced  
12 during oil and gas production.

13     7. "Solid and liquid waste" means, but is not limited to: production  
14 brine, produced water, flowback fluid, and drill cuttings from oil and  
15 gas production.

16     8. "Transport" shall mean the movement of liquid and solid waste asso-  
17 ciated with oil and gas production from the point of generation to any  
18 intermediate points and finally to the point of ultimate disposal. For  
19 the purposes of this title:

20     a. the point of generation with regard to in-state facilities that are  
21 generators of such waste shall be the point at which such waste leaves  
22 the generator's facility site; and

23     b. the point of generation with regard to out-of-state facilities that  
24 are generators of such waste shall be the point at which such waste  
25 enters into the state of New York.

26     § 23-2503. High-volume hydraulic fracturing waste tracking program.

27     1. The commissioner shall establish a program for tracking the gener-  
28 ation, transportation and receipt of liquid and solid waste associated  
29 with the production of natural gas where high-volume hydraulic fractur-  
30 ing is utilized.

31     2. Such program shall:

32     a. Provide for the tracking of the transportation of such waste from  
33 the generator to the receiving facility;

34     b. Include a system for providing the generator with assurance that  
35 the materials were treated or received by the receiving facility;

36     c. Use a uniform form or forms for tracking;

37     d. Require the generator to deliver a copy of the manifest form to the  
38 department when the shipment leaves their facility site;

39     e. Require receiving facility to deliver a copy of the manifest form  
40 to the department when the shipment arrives at the receiving facility;

41     f. Use a computer system to maintain a record of data from the mani-  
42 facts and track the movement of liquid and solid waste; and

43     g. Display data records on the department's website.

44     § 2. This act shall take effect immediately.