S T A T E O F N E W Y O R K

10088

I N A S S E M B L Y

March 3, 2010

Introduced by M. of A. SWEENEY, ZEBROWSKI, BRENNAN, LIFTON, JAFFEE, KAVANAGH, ESPAILLAT, TITONE, COLTON, CYMBROWITZ, JOHN, MAGNARELLI, REILLY, SPANO, PAULIN, CASTRO, N. RIVERA, P. RIVERA, ROSENTHAL, HYER-SPENCER, MAISEL, PERRY, ORTIZ, COOK, WEISENBERG, SCHIMEL, FIELDS -- Multi-Sponsored by -- M. of A. DESTITO, GOTTFRIED, LENTOL, MAGEE, MARKEY, McENENY, THIELE -- read once and referred to the Committee on Environmental Conservation

AN ACT to amend the environmental conservation law, in relation to the prohibition of the on-site storage of flowback water

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

Section 1. The opening paragraph of subdivision 8 of section 23-0305 of the environmental conservation law, as amended by chapter 846 of the laws of 1981, is amended to read as follows:

With respect to oil pools or fields and natural gas pools or fields, the department shall [have power to]:

S 2. Paragraph k of subdivision 8 of section 23-0305 of the environmental conservation law is relettered paragraph 1 and a new paragraph k is added to read as follows:

K. PROHIBIT THE USE OF ON-SITE RESERVE PITS FOR FLOWBACK WATER AND REQUIRE THAT SUCH WATER BE CONTAINED WITHIN STEEL TANKS WITH SUCH FLUIDS REMOVED WITHIN SEVEN DAYS IF THERE WILL BE A HIATUS IN SITE ACTIVITY AND FOLLOWING COMPLETION OF DRILLING AND STIMULATION OPERATIONS; PROVIDED, HOWEVER, IF OPERATIONS ARE SUSPENDED OR THE SITE IS LEFT UNATTENDED AT ANY TIME, FLUIDS MUST BE REMOVED IMMEDIATELY.

S 3. This act shall take effect on the ninetieth day after it shall have become a law.

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

LBD16206-01-0