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

10710

I N A S S E M B L Y

April 16, 2010

Introduced by M. of A. MAISEL, ENGLEBRIGHT -- read once and referred to the Committee on Environmental Conservation

AN ACT to establish a moratorium upon the disposal and/or processing of any fluid which was used in a hydraulic fracturing process outside of the state 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:

Section 1. (a) Notwithstanding any provision of law to the contrary, there is hereby established a moratorium upon the acceptance, disposal and/or processing of any fluid in this state, when such fluid has been used in a hydraulic fracturing process occurring outside of this state. The purpose of such moratorium shall be to afford the state and its residents the opportunity to review a report to be issued by the federal Environmental Protection Agency on the effects of hydraulic fracturing on public health.

(b) For the purposes of this section, "hydraulic fracturing" shall mean fracturing of rock by man-made fluid-driven fracturing techniques for the purpose of stimulating natural gas or oil well production.

S 2. This act shall take effect immediately, and shall expire and be deemed repealed on the one hundred twentieth day after the federal Environmental Protection Agency issues a report on the effects of hydraulic fracturing on water quality and public health. Provided, that the commissioner of environmental conservation shall notify the legislative bill drafting commission upon the issuance by the federal Environmental Protection Agency of the report on the effects of hydraulic fracturing on water quality and public health referred to in subdivision (a) of section one of this act in order that such commission may maintain an accurate and timely effective data base of the official text of the laws of the state of New York in furtherance of effectuating the provisions of section 44 of the legislative law and section 70-b of the public officers law.

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

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