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

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I N A S S E M B L Y

May 15, 2012

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

AN ACT to amend the environmental conservation law, in relation to prohibiting the transport of hydraulic fracturing fluids and waste in and near the city of New York

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

Section 1. Article 27 of the environmental conservation law is amended by adding a new title 29 to read as follows:

TITLE 29

TRANSPORTATION OF HYDRAULIC FRACTURING FLUIDS AND WASTE

SECTION 27-2901. DEFINITIONS.

27-2903. PROHIBITION ON TRANSPORTATION.

S 27-2901. DEFINITIONS.

AS USED IN THIS TITLE:

1. "HYDRAULIC FRACTURING" MEANS THE PROPAGATION OF FRACTURES IN A ROCK LAYER CAUSED BY THE PRESENCE OF A PRESSURIZED FLUID FOR THE PURPOSE OF STIMULATING AND ACCELERATING THE RELEASE OF NATURAL GAS FOR EXTRACTION.

2. "FLUIDS" MEANS WATER, BRINE, CHEMICAL ADDITIVES, SILICAS, SANDS, CERAMICS, GELS, FOAMS, COMPRESSED GASES AND OTHER MATERIALS USED TO STIMULATE AND FACILITATE THE FRACTURING OF SUB-SURFACE ROCK FOR THE PURPOSE OF NATURAL GAS WELL PRODUCTION.

3. "WASTE" MEANS FLUIDS AND OTHER MATERIALS WHICH RE-SURFACE IN THE COURSE OF CONDUCTING HYDRAULIC FRACTURING.

S 27-2903. PROHIBITION ON TRANSPORTATION.

NO PERSON SHALL TRANSPORT FLUIDS OR WASTE, WITHIN THE CITY OF NEW YORK OR IN THIS STATE, WITHIN TWENTY-FIVE MILES OF SUCH CITY, FOR ANY PURPOSE INCLUDING, BUT NOT LIMITED TO, USE, RE-USE, PRE-TREATMENT, TREATMENT OR DISPOSAL OF SUCH FLUIDS OR WASTE.

S 2. This act shall take effect on the thirtieth day after it shall have become a law.

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

LBD15054-01-2