

5547

2011-2012 Regular Sessions

I N A S S E M B L Y

February 23, 2011

Introduced by M. of A. ENGLEBRIGHT, SWEENEY, MENG, DINOWITZ, LIFTON, COLTON, GOTTFRIED, ROSENTHAL, GUNTHER, TITONE, CASTRO, MILLMAN, CRESPO, GLICK, M. MILLER, BARRON, JAFFEE, MARKEY, JACOBS, BRENNAN, MAGNARELLI, SCHIMEL, KAVANAGH, CYMBROWITZ, WRIGHT, P. RIVERA, MAISEL, HEVE-SI, KELLNER, WEPRIN, PAULIN, BROOK-KRASNY, JEFFRIES, COOK -- Multi-Sponsored by -- M. of A. BING, CASTELLI, CUSICK, LANCMAN, LAVINE, LENTOL, MAGEE, MAYERSOHN, NOLAN, O'DONNELL, PHEFFER, SCARBOROUGH, THIELE, WEISENBERG, ZEBROWSKI -- read once and referred to the Committee on Environmental Conservation

AN ACT to establish a moratorium upon conducting hydraulic fracturing 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:

1 Section 1. (a) Notwithstanding any provision of law to the contrary,
2 there is hereby established a moratorium upon the issuance of new
3 permits for horizontal drilling which utilizes the practice of hydraulic
4 fracturing in the state. The purpose of such moratorium shall be to
5 afford the state and its residents the opportunity to review a report to
6 be issued by the federal Environmental Protection Agency on the effects
7 of hydraulic fracturing on water quality and public health.
8 (b) For the purposes of this section, "hydraulic fracturing" shall
9 mean fracturing of rock by man-made fluid-driven fracturing techniques
10 for the purpose of stimulating natural gas or oil well production.
11 (c) For the purposes of this section, "horizontal drilling" shall mean
12 a technique whereby a vertical wellbore is turned up to ninety degrees
13 and drills in a generally horizontal direction for the purpose of stimu-
14 lating natural gas or oil well production.

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

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1 (d) This section shall not apply to permits issued prior to the effec-
2 tive date of this act for horizontal drilling operations which utilize
3 hydraulic fracturing that are subject to renewal.
4 S 2. This act shall take effect immediately, and shall expire and be
5 deemed repealed on the one hundred twentieth day after the federal Envi-
6 ronmental Protection Agency issues a report on the effects of hydraulic
7 fracturing on water quality and public health. Provided, that the
8 commissioner of environmental conservation shall notify the legislative
9 bill drafting commission upon the issuance by the federal Environmental
10 Protection Agency of the report on the effects of hydraulic fracturing
11 on water quality and public health referred to in subdivision (a) of
12 section one of this act in order that such commission may maintain an
13 accurate and timely effective data base of the official text of the laws
14 of the state of New York in furtherance of effectuating the provisions
15 of section 44 of the legislative law and section 70-b of the public
16 officers law.