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

6541--A

2011-2012 Regular Sessions

I N A S S E M B L Y

March 21, 2011

Introduced by M. of A. ENGLEBRIGHT, JEFFRIES, P. RIVERA, MILLMAN, BARRON, ROBERTS, DINOWITZ, MAISEL, M. MILLER, PAULIN, JAFFEE, COLTON, TITONE, CAHILL, GIBSON, MARKEY, WEISENBERG, KAVANAGH -- Multi-Sponsored by -- M. of A. ABINANTI, BRENNAN, CASTELLI, GLICK, GOTTFRIED, JACOBS, J. MILLER, ROSENTHAL, THIELE -- read once and referred to the Committee on Environmental Conservation -- recommitted to the Committee on Environmental Conservation in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to enact the "look before you leap act of 2012" relating to the imposition of a 5 year moratorium on high volume hydraulic fracturing for the purpose of conducting an investigation of the effect of hydraulic fracturing

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

Section 1. Short title. This act shall be known and may be cited as the "look before you leap act of 2012."

S 2. Legislative findings. The legislature hereby finds that the drilling method, known as high-volume hydraulic fracturing or hydrofracking, carries significant environmental risks that impact land, air and water resources.

The legislature further finds that the natural gas industry has exemptions or exclusions from key parts of at least seven of the major federal environmental laws designed to protect air and water from radioactive and hazardous chemicals including: the national Environmental Policy Act; the Clean Air Act; the Clean Water Act; the Safe Drinking Water Act; the Resource Conservation and Recovery Act; the Superfund Act; and the Emergency Planning and Community Right to Know Act.

S 3. (a) There is hereby established a 5 year moratorium on the conducting of high volume hydraulic fracturing in this state to provide an opportunity for the state to learn from the hydrofracking experiences

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

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of other states, which is necessitated by the exemptions, granted to the natural gas industry, from major federal laws protecting our air, land and water from radioactive and toxic wastes, and to make a comprehensive and cumulative examination of the environmental impacts associated with the recent rapid expansion of hydrofracking across the United States, with particular emphasis on the natural gas boom that began in the neighboring state of Pennsylvania 3 years ago, and information therefrom shall be available to the public concerning these cumulative impacts to our nation's air, land and water resources.

(b) The state university of New York university centers at Albany, Binghamton, Buffalo and Stony Brook shall in cooperation with each other conduct an investigation into the practice of high volume hydraulic fracturing in conformance with subdivision (a) of this section. On or before the fifth year following the effective date of this act, such university centers shall jointly issue a report of their findings and recommendations as a result of the investigations conducted pursuant to this section. Such report shall be submitted to the governor, the commissioner of environmental conservation and the legislature, and shall be published and made available to the public.

S 4. This act shall take effect immediately.