

7283

2011-2012 Regular Sessions

I N   A S S E M B L Y

April 27, 2011

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

AN ACT to amend the environmental conservation law, in relation to  
requiring treatment works to test waste from hydraulic fracturing  
operations to test for radioactivity

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

1     Section 1. The environmental conservation law is amended by adding a  
2     new section 17-0833 to read as follows:  
3     S 17-0833. INDUSTRIAL WASTE FROM HYDRAULIC FRACTURING OPERATIONS.  
4     THE COMMISSIONER SHALL, AFTER HOLDING A PUBLIC HEARING WITH DUE  
5     NOTICE, PROMULGATE REGULATIONS REQUIRING TREATMENT WORKS WHICH TREAT  
6     INDUSTRIAL WASTE FROM HYDRAULIC FRACTURING OPERATIONS CONDUCTED BY A  
7     PERMIT HOLDER UNDER TITLE FIVE OF ARTICLE TWENTY-THREE OF THIS CHAPTER  
8     TO CAUSE TESTS TO BE PERFORMED ON THE WATER DISCHARGED THEREFROM. FOR  
9     PURPOSES OF THIS SECTION, TESTS TO BE PERFORMED ON THE WATER SHALL MEAN  
10    WATER SAMPLING TO IDENTIFY COMPOUNDS OR CONTAMINANTS OF CONCERN.  
11    COMPOUNDS OR CONTAMINANTS OF CONCERN SHALL INCLUDE INGREDIENTS CONTAINED  
12    IN HYDRAULIC FRACTURING FLUIDS AND CHEMICAL TREATMENTS, INCLUDING, BUT  
13    NOT LIMITED TO, RADIOACTIVE CONTAMINANTS SUCH AS RADIUM AND ANY OTHER  
14    CONTAMINANTS IDENTIFIED BY THE DEPARTMENT. FOR PURPOSES OF THIS SECTION"  
15    HYDRAULIC FRACTURING" MEANS A PROCESS USED TO CREATE FRACTURES IN ROCK  
16    BY MAN-MADE FRACTURING TECHNIQUES FOR THE PURPOSES OF STIMULATING  
17    NATURAL GAS OR OIL WELL PRODUCTION.  
18    S 2. This act shall take effect on the ninetieth day after it shall  
19    have become a law; provided, however, that effective immediately, the  
20    addition, amendment and/or repeal of any rule or regulation necessary  
21    for the implementation of this act on its effective date are authorized  
22    and directed to be made and completed on or before such effective date.

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

LBD10281-01-1