

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

7987--C

2011-2012 Regular Sessions

I N A S S E M B L Y

May 25, 2011

Introduced by M. of A. SWEENEY, WEISENBERG, KAVANAGH, GLICK, LIFTON, ROSENTHAL, MAISEL, P. RIVERA -- Multi-Sponsored by -- M. of A. ABINANTI, BOYLAND, CASTELLI, COLTON, ENGLEBRIGHT, JAFFEE, LATIMER, MCENENY, O'DONNELL, ROBERTS, RODRIGUEZ, SCHIMEL, SIMOTAS, THIELE, WEINSTEIN, ZEBROWSKI -- 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 -- again reported from said committee with amendments, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the environmental conservation law, in relation to wastewater treatment facilities

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

1 Section 1. The environmental conservation law is amended by adding a
2 new section 17-0513 to read as follows:
3 S 17-0513. STANDARDS OF PERFORMANCE FOR WASTEWATER FACILITIES.
4 NO WASTEWATER TREATMENT FACILITY IN THE STATE SHALL ACCEPT ANY WASTE-
5 WATER FROM HYDRAULIC FRACTURING OPERATIONS UNLESS SUCH FACILITY MEETS
6 THE REQUIREMENTS ESTABLISHED IN SECTION 17-0709 OF THIS ARTICLE.
7 S 2. The environmental conservation law is amended by adding a new
8 section 17-0709 to read as follows:
9 S 17-0709. WASTEWATER TREATMENT FACILITIES.
10 NOTWITHSTANDING ANYTHING TO THE CONTRARY CONTAINED IN SUBDIVISION
11 TWENTY-ONE OF SECTION 17-0105 OF THIS ARTICLE, THE COMMISSIONER SHALL
12 PROMULGATE REGULATIONS ESTABLISHING A STANDARD OF PERFORMANCE FOR THE
13 CONTROL OF THE DISCHARGE OF POLLUTANTS FROM FACILITIES WHICH TREAT
14 WASTEWATER FROM HYDRAULIC FRACTURING OPERATIONS. THIS STANDARD OF
15 PERFORMANCE SHALL PERMIT NO DISCHARGE OF POLLUTANTS, OR IF NOT FEASIBLE,
16 SHALL REFLECT THE GREATEST DEGREE OF EFFLUENT REDUCTION ACHIEVABLE
17 THROUGH APPLICATION OF THE BEST AVAILABLE DEMONSTRATED CONTROL TECHNOLO-

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

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1 GY, PROCESSES, OPERATING METHODS, OR OTHER ALTERNATIVES. THIS STANDARD
2 OF PERFORMANCE SHALL REMAIN IN EFFECT UNTIL SUCH TIME THAT THE FEDERAL
3 GOVERNMENT DETERMINES THAT A GREATER DEGREE OF EFFLUENT LIMITATION IS
4 ACHIEVABLE BY THIS CATEGORY OF FACILITIES, AT WHICH TIME THIS STANDARD
5 OF PERFORMANCE SHALL BE SUPERSEDED BY SUCH FEDERAL STANDARD.

6 S 3. This act shall take effect immediately; provided, however, that
7 section two of this act shall take effect January 1, 2016.