

4220

2011-2012 Regular Sessions

I N   S E N A T E

March 23, 2011

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Introduced by Sen. AVELLA -- read twice and ordered printed, and when printed to be committed to the Committee on Environmental Conservation

AN ACT to amend the environmental conservation law, in relation to prohibiting the use of hydraulic fracturing

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

1     Section 1. Paragraph b of subdivision 1 of section 23-0501 of the  
2 environmental conservation law is amended by adding a new subparagraph 4  
3 to read as follows:

4     (4) "HYDRAULIC FRACTURING" SHALL MEAN FRACTURING OF ROCK BY MAN-MADE  
5 FLUID-DRIVEN FRACTURING TECHNIQUES FOR THE PURPOSE OF STIMULATING  
6 NATURAL GAS OR OIL WELL PRODUCTION.

7     S 2. Section 23-0305 of the environmental conservation law is amended  
8 by adding a new subdivision 15 to read as follows:

9     15. THE DEPARTMENT SHALL NOT ISSUE A PERMIT FOR THE DRILLING OR OPERA-  
10 TION OF ANY WELL PROPOSING TO USE HYDRAULIC FRACTURING OR HYDRAULIC  
11 FRACTURING FLUIDS FOR THE EXTRACTION OF GAS AND/OR OIL.

12     S 3. Subdivision 3 of section 23-0501 of the environmental conserva-  
13 tion law is renumbered subdivision 4 and a new subdivision 3 is added to  
14 read as follows:

15     3. A. THE DEPARTMENT SHALL NOT ISSUE A PERMIT FOR THE DRILLING OR  
16 OPERATION OF ANY WELL PROPOSING TO USE HYDRAULIC FRACTURING OR HYDRAULIC  
17 FRACTURING FLUIDS FOR THE EXTRACTION OF GAS AND/OR OIL.

18     B. FOR PURPOSES OF THIS SECTION "HYDRAULIC FRACTURING" SHALL MEAN  
19 FRACTURING OF ROCK BY MAN-MADE FLUID-DRIVEN FRACTURING TECHNIQUES FOR  
20 THE PURPOSE OF STIMULATING NATURAL GAS OR OIL WELL PRODUCTION.

21     S 4. This act shall take effect immediately.

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

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