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I N S E N A T E

April 4, 2012

Introduced by Sens. GRISANTI, SALAND -- 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
creating the "High-volume Hydraulic Fracturing Waste Tracking Program"

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

1 Section 1. Article 23 of the environmental conservation law is amended
2 by adding a new title 25 to read as follows:

3 TITLE 25

4 HIGH-VOLUME HYDRAULIC FRACTURING WASTE TRACKING PROGRAM
5 SECTION 23-2501. DEFINITIONS.

6 23-2503. HIGH-VOLUME HYDRAULIC FRACTURING WASTE TRACKING
7 PROGRAM.

8 S 23-2501. DEFINITIONS.

9 1. "FLOWBACK FLUID" MEANS LIQUIDS PRODUCED DURING INITIAL COMPLETION
10 AND CLEAN UP OF THE WELL OR CLEAN UP OF A WELL FOLLOWING RE-FRACTURE OR
11 WORK OVER OF A WELL.

12 2. "GENERATORS" MEANS ANY OWNER OR OPERATOR OF AN OIL OR GAS WELL PAD
13 WHOSE ACTS OR PROCESSES PRODUCE SOLID OR LIQUID WASTE.

14 3. "HIGH-VOLUME HYDRAULIC FRACTURING" OR "(HVHF)" MEANS HYDRAULIC
15 FRACTURING FOR NATURAL GAS EXTRACTION USING GREATER THAN 300,000 GALLONS
16 OF WATER REGARDLESS OF WHETHER THE WELL IS VERTICAL, DIRECTIONAL OR
17 HORIZONTAL.

18 4. "MANIFEST" MEANS THE FORM USED FOR IDENTIFYING THE QUANTITY,
19 COMPOSITION, AND THE ORIGIN, ROUTING, AND DESTINATION OF LIQUID AND
20 SOLID WASTE DURING ITS TRANSPORTATION FROM THE POINT OF GENERATION TO
21 ANY INTERMEDIATE POINTS AND FINALLY TO THE POINT OF ULTIMATE DISPOSAL.

22 5. "OIL AND GAS PRODUCTION" MEANS ALL ACTIVITIES ASSOCIATED WITH THE
23 EXPLORATION AND PRODUCTION OF OIL AND GAS, INCLUDING, BUT NOT LIMITED
24 TO, (A) DEVELOPMENT OF OIL AND GAS WELLS; (B) ACTIVITIES ASSOCIATED WITH
25 DRILLING, STIMULATING, COMPLETING, OR OPERATING AN OIL OR GAS WELL; (C)
26 ACTIVITIES ASSOCIATED WITH THE CONSTRUCTION OR OPERATION OF FACILITIES
27 FOR THE COLLECTION AND TRANSMISSION OF OIL AND GAS FROM OIL AND GAS

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

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1 WELLS TO CONSUMERS; AND (D) THE TRANSPORTATION OF MATERIALS ASSOCIATED
2 WITH AN OIL AND GAS WELL SITE OR PRODUCTION WHETHER OR NOT THE OIL OR
3 GAS IS RE-INJECTED INTO THE SUBSURFACE OF THE EARTH, FROM A GEOLOGICAL
4 FORMATION AND THE TRANSPORTATION OF THAT OIL OR GAS TO ANOTHER LOCATION.

5 6. "PRODUCTION BRINE" OR "PRODUCED WATER" MEANS LIQUIDS CO-PRODUCED
6 DURING OIL AND GAS PRODUCTION.

7 7. "SOLID AND LIQUID WASTE" MEANS, BUT IS NOT LIMITED TO: PRODUCTION
8 BRINE, PRODUCED WATER, FLOWBACK FLUID, AND DRILL CUTTINGS FROM OIL AND
9 GAS PRODUCTION.

10 8. "TRANSPORT" SHALL MEAN THE MOVEMENT OF LIQUID AND SOLID WASTE ASSO-
11 CIATED WITH OIL AND GAS PRODUCTION FROM THE POINT OF GENERATION TO ANY
12 INTERMEDIATE POINTS AND FINALLY TO THE POINT OF ULTIMATE DISPOSAL. FOR
13 THE PURPOSES OF THIS TITLE, THE POINT OF GENERATION WITH REGARD TO
14 FACILITIES THAT ARE GENERATORS OF SUCH WASTE SHALL BE THE POINT AT WHICH
15 SUCH WASTE LEAVES THE GENERATOR'S FACILITY SITE.

16 S 23-2503. HIGH-VOLUME HYDRAULIC FRACTURING WASTE TRACKING PROGRAM.

17 1. THE COMMISSIONER SHALL ESTABLISH A PROGRAM FOR TRACKING THE GENER-
18 ATION, TRANSPORTATION AND RECEIPT OF LIQUID AND SOLID WASTE ASSOCIATED
19 WITH THE PRODUCTION OF NATURAL GAS WHERE HIGH-VOLUME HYDRAULIC FRACTUR-
20 ING IS UTILIZED.

21 2. SUCH PROGRAM SHALL:

22 A. PROVIDE FOR THE TRACKING OF THE TRANSPORTATION OF SUCH WASTE FROM
23 THE GENERATOR TO THE RECEIVING FACILITY;

24 B. INCLUDE A SYSTEM FOR PROVIDING THE GENERATOR WITH ASSURANCE THAT
25 THE MATERIALS WERE TREATED OR RECEIVED BY THE RECEIVING FACILITY;

26 C. USE A UNIFORM FORM OR FORMS FOR TRACKING;

27 D. REQUIRE THE GENERATOR TO DELIVER A COPY OF THE MANIFEST FORM TO THE
28 DEPARTMENT WHEN THE SHIPMENT LEAVES THEIR FACILITY SITE;

29 E. REQUIRE RECEIVING FACILITY TO DELIVER A COPY OF THE MANIFEST FORM
30 TO THE DEPARTMENT WHEN THE SHIPMENT ARRIVES AT THE RECEIVING FACILITY;

31 F. USE A COMPUTER SYSTEM TO MAINTAIN A RECORD OF DATA FROM THE MANI-
32 FESTS AND TRACK THE MOVEMENT OF LIQUID AND SOLID WASTE; AND

33 G. DISPLAY DATA RECORDS ON THE DEPARTMENT'S WEBSITE.

34 S 2. This act shall take effect immediately.