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

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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 prohibiting the use of wastewater for road and land spreading

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

Section 1. Section 23-0101 of the environmental conservation law is amended by adding three new subdivisions 4-a, 7-a and 16-a to read as follows:

4-A. "FLOWBACK FLUID" MEANS LIQUIDS PRODUCED DURING INITIAL COMPLETION AND CLEANUP OF THE WELL OR CLEANUP OF A WELL FOLLOWING REFRACTURE OR WORK OVER OF A WELL.

7-A. "HIGH-VOLUME HYDRAULIC FRACTURING" OR "HVHF" MEANS HYDRAULIC FRACTURING FOR NATURAL GAS EXTRACTION USING GREATER THAN THREE HUNDRED THOUSAND GALLONS OF WATER REGARDLESS OF WHETHER THE WELL IS VERTICAL, DIRECTIONAL OR HORIZONTAL.

16-A. "PRODUCTION BRINE" OR "PRODUCED WATER" MEANS LIQUIDS CO-PRODUCED DURING OIL AND GAS PRODUCTION.

S 2. The environmental conservation law is amended by adding a new section 23-0315 to read as follows:

S 23-0315. WASTEWATER FOR ROAD AND LAND SPREADING; PROHIBITED.

WASTEWATER ASSOCIATED WITH THE PRODUCTION OF NATURAL GAS USING HIGH-VOLUME HYDRAULIC FRACTURING, INCLUDING FLOWBACK FLUID, PRODUCTION BRINE OR PRODUCED WATER, SHALL NOT BE USED FOR THE PURPOSE OF ROAD SPREADING FOR DUST CONTROL OR DE-ICING OR LAND SPREADING.

S 3. This act shall take effect immediately.

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

LBD14158-05-2