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

1265

2011-2012 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 5, 2011

Introduced by M. of A. ORTIZ, COLTON, ZEBROWSKI, LIFTON, GLICK, HOOPER, McENENY, WEISENBERG -- read once and referred to the Committee on Environmental Conservation

AN ACT to amend the environmental conservation law, in relation to prohibiting the use of certain fracing solutions

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

Section 1. The environmental conservation law is amended by adding a new section 23-0505 to read as follows:

S 23-0505. HYDRAULIC FRACTURING; PROHIBITION ON CERTAIN FRACING SOLUTIONS.

1. FOR PURPOSES OF THIS SECTION, THE FOLLOWING TERMS SHALL HAVE THE FOLLOWING MEANINGS:

A. "FRACING SOLUTION" SHALL MEAN A SUBSTANCE USED DURING HYDRAULIC FRACTURING WHICH IS INJECTED INTO ROCK FORMATIONS SURROUNDING OIL OR GAS DEPOSITS IN ORDER TO EXPAND THE ROCK AND FACILITATE THE EXTRACTION OF OIL OR GAS; AND

B. "HYDRAULIC FRACTURING" SHALL MEAN A PROCESS USED TO CREATE FRACTURES THAT EXTEND FROM A BOREHOLE INTO ROCK FORMATIONS TO INCREASE OR RESTORE THE RATE AT WHICH OIL OR GAS MAY BE PRODUCED FROM A WELL.

2. ON AND AFTER THE EFFECTIVE DATE OF THIS SECTION, EVERY PERSON GRANTED A WELL PERMIT PURSUANT TO SECTION 23-0501 OF THIS TITLE SHALL, DURING HYDRAULIC FRACTURING, USE ONLY FRACING SOLUTION COMPOSED OF NATURAL AND ORGANIC MATERIALS. NO FRACING SOLUTION CONTAINING DIESEL, BENZENE, ETHIBENZENE, TOLUENE, XYLENE, OR ANY OTHER SUBSTANCE DETERMINED BY THE COMMISSIONER TO BE TOXIC SHALL BE USED DURING HYDRAULIC FRACTURING ON OR AFTER SUCH DATE.

S 2. This act shall take effect on the one hundred eightieth day after it shall have become a law.

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

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