

6913

2011-2012 Regular Sessions

I N A S S E M B L Y

April 5, 2011

Introduced by M. of A. O'DONNELL -- 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 flowback water from wells, pools or fields on
any highway

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

1 Section 1. Subdivision 2 of section 23-0303 of the environmental
2 conservation law, as added by chapter 846 of the laws of 1981, is
3 amended to read as follows:
4 2. The provisions of this article shall supersede all local laws or
5 ordinances relating to the regulation of the oil, gas and solution
6 mining industries; but shall not supersede local government jurisdiction
7 over local roads EXCEPT TO THE EXTENT THAT THE USE OF FLOWBACK WATER ON
8 HIGHWAYS IS PROHIBITED PURSUANT TO THE POWER GRANTED BY PARAGRAPH L OF
9 SUBDIVISION EIGHT OF SECTION 23-0305 OF THIS TITLE, or the rights of
10 local governments under the real property tax law.
11 S 2. Subdivision 8 of section 23-0305 of the environmental conserva-
12 tion law is amended by adding a new paragraph 1 to read as follows:
13 L. PROHIBIT THE USE OF FLOWBACK WATER FROM WELLS, POOLS OR FIELDS ON
14 ANY HIGHWAY, AS DEFINED IN SUBDIVISION FOURTEEN OF SECTION TWO OF THE
15 TRANSPORTATION LAW, FOR ANY PURPOSE, INCLUDING BUT NOT LIMITED TO USE
16 FOR DE-ICING, DUST SUPPRESSION OR ANY OTHER USE.
17 S 3. This act shall take effect on the one hundred eightieth day after
18 it shall have become a law.

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

LBD10344-01-1