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

9759

I N A S S E M B L Y

April 2, 2012

Introduced by M. of A. HANNA -- read once and referred to the Committee on Environmental Conservation

AN ACT to amend the environmental conservation law, in relation to requiring applicants to pay for the costs associated with monitoring their hydraulic fracturing operations

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. APPLICANTS TO PAY COSTS ASSOCIATED WITH MONITORING OF HYDRAULIC FRACTURING.

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

2. THE DEPARTMENT SHALL ISSUE REGULATIONS PROVIDING FOR THE MONITORING OF ALL HYDRAULIC FRACTURING OPERATIONS IN THE STATE IN ORDER TO PREVENT RISKS TO HUMAN HEALTH.

3. BEFORE ISSUING A PERMIT FOR HYDRAULIC FRACTURING THE DEPARTMENT SHALL ASSESS THE COSTS ASSOCIATED WITH THE MONITORING REQUIRED BY SUBDIVISION TWO OF THIS SECTION FOR THE PROPOSED OPERATION. IF THE ACTUAL COSTS TO BE EXPENDED ON THE PERMITTED OPERATION EXCEED THE PERMIT APPLICATION FEES PAID BY THE APPLICANT, THE DEPARTMENT SHALL REQUIRE THAT THE STATE BE REIMBURSED FOR COSTS WHICH MAY BE PAID. THIS REIMBURSEMENT SHALL COVER COSTS AND EXPENSES INCURRED FOR SALARIES AND EXPENSES FOR REGULAR EMPLOYEES OF THE DEPARTMENT WHO MAY DEVOTE ALL OR A PART OF THEIR TIME TO THAT PARTICULAR PROJECT, EXCEPT THAT IS NOT INTENDED TO APPLY TO THE SALARIES OF THE MEMBERS OF THE DEPARTMENT ENGAGED ONLY IN GENERAL ADMINISTRATIVE WORK IN CONNECTION WITH THE PROJECT. THIS REIMBURSEMENT FORMULA SHALL BE PATTERNED ON THE PERMIT ISSUED PREVIOUSLY BY THE DEPARTMENT TO EASTMAN KODAK CO. INC. FOR MONITORING AT THE INDUSTRIAL FACILITY KNOWN AS KODAK PARK, BUT MAY BE MODIFIED BY THE DEPARTMENT IN ITS DISCRETION.

S 2. This act shall take effect on the ninetieth day after it shall have become a law, provided, however, that the commissioner of environmental conservation is authorized to promulgate any and all rules and regulations and take any other measures necessary to implement this act on its effective date on or before such date.

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

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