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

4251--A

2011-2012 Regular Sessions

I N S E N A T E

March 25, 2011

Introduced by Sen. ADDABBO -- read twice and ordered printed, and when printed to be committed to the Committee on Environmental Conservation -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the environmental conservation law, in relation to requiring treatment works to test waste from hydraulic fracturing operations to test for radioactivity

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 17-0833 to read as follows:

S 17-0833. INDUSTRIAL WASTE FROM HYDRAULIC FRACTURING OPERATIONS.

1. THE COMMISSIONER SHALL, AFTER HOLDING A PUBLIC HEARING WITH DUE NOTICE, PROMULGATE REGULATIONS REQUIRING TREATMENT WORKS WHICH TREAT INDUSTRIAL WASTE FROM HYDRAULIC FRACTURING OPERATIONS CONDUCTED BY A PERMIT HOLDER UNDER TITLE FIVE OF ARTICLE TWENTY-THREE OF THIS CHAPTER TO CAUSE TESTS TO BE PERFORMED ON THE WATER DISCHARGED THEREFROM.

2. FOR PURPOSES OF THIS SECTION, TESTS TO BE PERFORMED ON THE WATER SHALL MEAN WATER SAMPLING TO IDENTIFY COMPOUNDS OR CONTAMINANTS OF CONCERN. COMPOUNDS OR CONTAMINANTS OF CONCERN SHALL INCLUDE INGREDIENTS CONTAINED IN HYDRAULIC FRACTURING FLUIDS AND CHEMICAL TREATMENTS, INCLUDING, BUT NOT LIMITED TO, RADIOACTIVE CONTAMINANTS SUCH AS RADIUM AND ANY OTHER CONTAMINANTS IDENTIFIED BY THE DEPARTMENT.

3. NO WASTE FROM HYDRAULIC FRACTURING OPERATIONS OUTSIDE THE STATE OF NEW YORK SHALL BE ACCEPTED, TREATED OR DISCHARGED BY ANY PERMIT HOLDER PURSUANT TO THIS ARTICLE.

4. FOR PURPOSES OF THIS SECTION "HYDRAULIC FRACTURING" MEANS A PROCESS USED TO CREATE FRACTURES IN ROCK BY MAN-MADE FRACTURING TECHNIQUES FOR THE PURPOSES OF STIMULATING NATURAL GAS OR OIL WELL PRODUCTION.

S 2. This act shall take effect on the ninetieth day after it shall have become a law; provided, however, that effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized and directed to be made and completed on or before such effective date.

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

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