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I N   S E N A T E

March 12, 2012

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Introduced by Sen. LAVALLE -- read twice and ordered printed, and when printed to be committed to the Committee on Environmental Conservation

AN ACT to enact the "look before you leap act of 2012" relating to the imposition of a 5 year moratorium on high volume hydraulic fracturing for the purpose of conducting an investigation of the effect of hydraulic fracturing

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

1     Section 1. Short title. This act shall be known and may be cited as  
2     the "look before you leap act of 2012."

3     S 2. Legislative findings. The legislature hereby finds that the  
4     drilling method, known as high-volume hydraulic fracturing or hydro-  
5     fracking, carries significant environmental risks that impact land, air  
6     and water resources.

7     The legislature further finds that the natural gas industry has  
8     exemptions or exclusions from key parts of at least seven of the major  
9     federal environmental laws designed to protect air and water from radio-  
10    active and hazardous chemicals including: the national Environmental  
11    Policy Act; the Clean Air Act; the Clean Water Act; the Safe Drinking  
12    Water Act; the Resource Conservation and Recovery Act; the Superfund  
13    Act; and the Emergency Planning and Community Right to Know Act.

14    S 3. (a) There is hereby established a 5 year moratorium on the  
15    conducting of high volume hydraulic fracturing in this state to provide  
16    an opportunity for the state to learn from the hydrofracking experiences  
17    of other states, which is necessitated by the exemptions, granted to the  
18    natural gas industry, from major federal laws protecting our air, land  
19    and water from radioactive and toxic wastes, and to make a comprehensive  
20    and cumulative examination of the environmental impacts associated with  
21    the recent rapid expansion of hydrofracking across the United States,  
22    with particular emphasis on the natural gas boom that began in the  
23    neighboring state of Pennsylvania 3 years ago, and information therefrom  
24    shall be available to the public concerning these cumulative impacts to  
25    our nation's air, land and water resources.

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

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1 (b) The state university of New York university centers at Albany,  
2 Binghamton, Buffalo and Stony Brook shall in cooperation with each other  
3 conduct an investigation into the practice of high volume hydraulic  
4 fracturing in conformance with subdivision (a) of this section. On or  
5 before the fifth year following the effective date of this act, such  
6 university centers shall jointly issue a report of their findings and  
7 recommendations as a result of the investigations conducted pursuant to  
8 this section. Such report shall be submitted to the governor, the  
9 commissioner of environmental conservation and the legislature, and  
10 shall be published and made available to the public.  
11 S 4. This act shall take effect immediately.