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I N S E N A T E

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Introduced by Sens. GRISANTI, SALAND -- read twice and ordered printed,
and when printed to be committed to the Committee on Environmental
Conservation

AN ACT to amend the environmental conservation law, in relation to high
volume hydraulic fracturing natural gas production discharge notifica-
tions

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

1 Section 1. Article 23 of the environmental conservation law is amended
2 by adding a new title 29 to read as follows:

3 TITLE 29

4 HIGH VOLUME HYDRAULIC FRACTURING

5 NATURAL GAS PRODUCTION DISCHARGE NOTIFICATION

6 SECTION 23-2901. DEFINITIONS.

7 23-2903. NOTIFICATION BY PERSONS RESPONSIBLE FOR DISCHARGE.

8 23-2905. NOTIFICATION BY THE DEPARTMENT.

9 23-2907. ENFORCEMENT OF TITLE; PENALTIES.

10 S 23-2901. DEFINITIONS.

11 1. "DISCHARGE" MEANS ANY INTENTIONAL OR UNINTENTIONAL ACTION OR OMIS-
12 SION RESULTING IN THE RELEASING, SPILLING, LEAKING, PUMPING, POURING,
13 EMITTING, EMPTYING OR DUMPING OF ANY SUBSTANCE USED IN OR ASSOCIATED
14 WITH PROCESSES RELATED TO NATURAL GAS PRODUCTION INTO THE WATERS OF THE
15 STATE OR ONTO LANDS, OR INTO WATERS OR LANDS OUTSIDE THE JURISDICTION OF
16 THE STATE WHEN DAMAGE MAY RESULT TO THE LANDS, WATERS OR NATURAL
17 RESOURCES WITHIN THE JURISDICTION OF THE STATE, EXCEPTING DISCHARGES
18 PURSUANT TO AND IN COMPLIANCE WITH THE CONDITIONS OF A VALID STATE OR
19 FEDERAL PERMIT. FOR THE PURPOSES OF THIS SECTION "DISCHARGE" SHALL NOT
20 INCLUDE FRESH WATER OR SOLID WASTE INCLUDING, BUT NOT LIMITED TO, DRILL
21 CUTTINGS FROM OIL AND GAS PRODUCTION.

22 2. "HIGH-VOLUME HYDRAULIC FRACTURING" OR "(HVHF)" MEANS HYDRAULIC
23 FRACTURING FOR NATURAL GAS EXTRACTION USING GREATER THAN THREE HUNDRED
24 THOUSAND GALLONS OF WATER REGARDLESS OF WHETHER THE WELL IS VERTICAL,
25 DIRECTIONAL OR HORIZONTAL.

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

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1 3. "NATURAL GAS PRODUCTION" OR "GAS PRODUCTION" MEANS ALL ACTIVITIES
2 ASSOCIATED WITH THE EXPLORATION AND PRODUCTION OF NATURAL GAS, INCLUD-
3 ING, BUT NOT LIMITED TO (A) DEVELOPMENT OF NATURAL GAS WELLS; (B) ACTIV-
4 ITIES ASSOCIATED WITH DRILLING, STIMULATING, COMPLETING, CONSTRUCTING,
5 MAINTAINING, CONVERTING, ABANDONING, PLUGGING OR OPERATING A NATURAL GAS
6 WELL; (C) ACTIVITIES ASSOCIATED WITH THE CONSTRUCTION OR OPERATION OF
7 FACILITIES FOR THE COLLECTION AND TRANSMISSION OF NATURAL GAS FROM GAS
8 WELLS TO CONSUMERS OF NATURAL GAS; AND (D) THE TRANSPORTATION OF MATERI-
9 ALS ASSOCIATED WITH A NATURAL GAS WELL SITE OR NATURAL GAS PRODUCTION
10 WHETHER OR NOT SUCH GAS IS RE-INJECTED INTO THE SUBSURFACE OF THE EARTH,
11 FROM A GEOLOGICAL FORMATION AND THE TRANSPORTATION OF SUCH NATURAL GAS
12 TO ANOTHER LOCATION.

13 4. "PERSON" MEANS PUBLIC OR PRIVATE CORPORATIONS, COMPANIES, ASSOCI-
14 ATIONS, SOCIETIES, FIRMS, PARTNERSHIPS, JOINT STOCK COMPANIES, INDIVID-
15 UALS, THE UNITED STATES, THE STATE OF NEW YORK AND ANY OF ITS POLITICAL
16 SUBDIVISIONS OR AGENTS.

17 S 23-2903. NOTIFICATION BY PERSONS RESPONSIBLE FOR DISCHARGE.

18 ANY PERSON RESPONSIBLE FOR CAUSING A DISCHARGE OF ANY SUBSTANCE USED
19 IN OR ASSOCIATED WITH PROCESSES RELATED TO THE PRODUCTION OF NATURAL GAS
20 WHERE HIGH-VOLUME HYDRAULIC FRACTURING IS UTILIZED SHALL IMMEDIATELY
21 NOTIFY THE DEPARTMENT PURSUANT TO RULES AND REGULATIONS ESTABLISHED BY
22 THE DEPARTMENT, BUT IN NO CASE LATER THAN TWO HOURS AFTER THE DISCHARGE.
23 FAILURE TO SO NOTIFY SHALL MAKE SUCH PERSON LIABLE PURSUANT TO THE
24 PENALTY PROVISIONS OF SECTION 23-2907 OF THIS TITLE.

25 S 23-2905. NOTIFICATION BY THE DEPARTMENT.

26 WITHIN FORTY-EIGHT HOURS OF RECEIPT OF NOTIFICATION MADE PURSUANT TO
27 SECTION 23-2903 OF THIS TITLE OF A DISCHARGE, THE DEPARTMENT SHALL
28 PROVIDE NOTIFICATION OF SUCH DISCHARGE TO THE GENERAL PUBLIC THROUGH A
29 NEW OR EXISTING DATABASE VIA ITS WEBSITE, WHICH SHALL BE UPDATED DAILY.

30 S 23-2907. ENFORCEMENT OF TITLE; PENALTIES.

31 ANY PERSON WHO VIOLATES ANY OF THE PROVISIONS OF THIS TITLE OR ANY
32 RULE OR REGULATION PROMULGATED THEREUNDER OR WHO FAILS TO COMPLY WITH
33 ANY DUTY CREATED BY THIS TITLE SHALL BE LIABLE TO A PENALTY OF NOT MORE
34 THAN TWENTY-FIVE THOUSAND DOLLARS FOR EACH OFFENSE IN A COURT OF COMPE-
35 TENT JURISDICTION. IF THE VIOLATION IS OF A CONTINUING NATURE EACH DAY
36 DURING WHICH IT CONTINUES SHALL CONSTITUTE AN ADDITIONAL, SEPARATE AND
37 DISTINCT OFFENSE.

38 S 2. This act shall take effect on the one hundred twentieth day after
39 it shall have become a law. Effective immediately, the addition, amend-
40 ment and/or repeal of any rule or regulation necessary for the implemen-
41 tation of this act on its effective date is authorized to be made on or
42 before such date.