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

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I N S E N A T E

April 4, 2012

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 creating the "High-volume Hydraulic Fracturing Waste Tracking Program"

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

Section 1. Article 23 of the environmental conservation law is amended by adding a new title 25 to read as follows:

TITLE 25

HIGH-VOLUME HYDRAULIC FRACTURING WASTE TRACKING PROGRAM

SECTION 23-2501. DEFINITIONS.

23-2503. HIGH-VOLUME HYDRAULIC FRACTURING WASTE TRACKING PROGRAM.

S 23-2501. DEFINITIONS.

1. "FLOWBACK FLUID" MEANS LIQUIDS PRODUCED DURING INITIAL COMPLETION AND CLEAN UP OF THE WELL OR CLEAN UP OF A WELL FOLLOWING RE-FRACTURE OR WORK OVER OF A WELL.

2. "GENERATORS" MEANS ANY OWNER OR OPERATOR OF AN OIL OR GAS WELL PAD WHOSE ACTS OR PROCESSES PRODUCE SOLID OR LIQUID WASTE.

3. "HIGH-VOLUME HYDRAULIC FRACTURING" OR "(HVHF)" MEANS HYDRAULIC FRACTURING FOR NATURAL GAS EXTRACTION USING GREATER THAN 300,000 GALLONS OF WATER REGARDLESS OF WHETHER THE WELL IS VERTICAL, DIRECTIONAL OR HORIZONTAL.

4. "MANIFEST" MEANS THE FORM USED FOR IDENTIFYING THE QUANTITY, COMPOSITION, AND THE ORIGIN, ROUTING, AND DESTINATION OF LIQUID AND SOLID WASTE DURING ITS TRANSPORTATION FROM THE POINT OF GENERATION TO ANY INTERMEDIATE POINTS AND FINALLY TO THE POINT OF ULTIMATE DISPOSAL.

5. "OIL AND GAS PRODUCTION" MEANS ALL ACTIVITIES ASSOCIATED WITH THE EXPLORATION AND PRODUCTION OF OIL AND GAS, INCLUDING, BUT NOT LIMITED TO, (A) DEVELOPMENT OF OIL AND GAS WELLS; (B) ACTIVITIES ASSOCIATED WITH DRILLING, STIMULATING, COMPLETING, OR OPERATING AN OIL OR GAS WELL; (C) ACTIVITIES ASSOCIATED WITH THE CONSTRUCTION OR OPERATION OF FACILITIES FOR THE COLLECTION AND TRANSMISSION OF OIL AND GAS FROM OIL AND GAS

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

LBD13947-06-2

WELLS TO CONSUMERS; AND (D) THE TRANSPORTATION OF MATERIALS ASSOCIATED WITH AN OIL AND GAS WELL SITE OR PRODUCTION WHETHER OR NOT THE OIL OR GAS IS RE-INJECTED INTO THE SUBSURFACE OF THE EARTH, FROM A GEOLOGICAL FORMATION AND THE TRANSPORTATION OF THAT OIL OR GAS TO ANOTHER LOCATION.

6. "PRODUCTION BRINE" OR "PRODUCED WATER" MEANS LIQUIDS CO-PRODUCED DURING OIL AND GAS PRODUCTION.

7. "SOLID AND LIQUID WASTE" MEANS, BUT IS NOT LIMITED TO: PRODUCTION BRINE, PRODUCED WATER, FLOWBACK FLUID, AND DRILL CUTTINGS FROM OIL AND GAS PRODUCTION.

8. "TRANSPORT" SHALL MEAN THE MOVEMENT OF LIQUID AND SOLID WASTE ASSOCIATED WITH OIL AND GAS PRODUCTION FROM THE POINT OF GENERATION TO ANY INTERMEDIATE POINTS AND FINALLY TO THE POINT OF ULTIMATE DISPOSAL. FOR THE PURPOSES OF THIS TITLE, THE POINT OF GENERATION WITH REGARD TO FACILITIES THAT ARE GENERATORS OF SUCH WASTE SHALL BE THE POINT AT WHICH SUCH WASTE LEAVES THE GENERATOR'S FACILITY SITE.

S 23-2503. HIGH-VOLUME HYDRAULIC FRACTURING WASTE TRACKING PROGRAM.

1. THE COMMISSIONER SHALL ESTABLISH A PROGRAM FOR TRACKING THE GENERATION, TRANSPORTATION AND RECEIPT OF LIQUID AND SOLID WASTE ASSOCIATED WITH THE PRODUCTION OF NATURAL GAS WHERE HIGH-VOLUME HYDRAULIC FRACTURING IS UTILIZED.

2. SUCH PROGRAM SHALL:

A. PROVIDE FOR THE TRACKING OF THE TRANSPORTATION OF SUCH WASTE FROM THE GENERATOR TO THE RECEIVING FACILITY;

B. INCLUDE A SYSTEM FOR PROVIDING THE GENERATOR WITH ASSURANCE THAT THE MATERIALS WERE TREATED OR RECEIVED BY THE RECEIVING FACILITY;

C. USE A UNIFORM FORM OR FORMS FOR TRACKING;

D. REQUIRE THE GENERATOR TO DELIVER A COPY OF THE MANIFEST FORM TO THE DEPARTMENT WHEN THE SHIPMENT LEAVES THEIR FACILITY SITE;

E. REQUIRE RECEIVING FACILITY TO DELIVER A COPY OF THE MANIFEST FORM TO THE DEPARTMENT WHEN THE SHIPMENT ARRIVES AT THE RECEIVING FACILITY;

F. USE A COMPUTER SYSTEM TO MAINTAIN A RECORD OF DATA FROM THE MANIFESTS AND TRACK THE MOVEMENT OF LIQUID AND SOLID WASTE; AND

G. DISPLAY DATA RECORDS ON THE DEPARTMENT'S WEBSITE.

S 2. This act shall take effect immediately.