

4559

2013-2014 Regular Sessions

I N A S S E M B L Y

February 6, 2013

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

AN ACT to amend the environmental conservation law, in relation to
prohibiting the use of wastewater from hydraulic fracturing for road
spreading for dust control or de-icing

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

1 Section 1. Section 23-0101 of the environmental conservation law is
2 amended by adding four new subdivisions 4-a, 7-a, 16-a and 21 to read as
3 follows:
4 4-A. "FLOWBACK FLUID" MEANS LIQUIDS PRODUCED DURING INITIAL COMPLETION
5 AND CLEANUP OF THE WELL OR CLEANUP OF A WELL FOLLOWING REFRACTURE OR
6 WORK OVER OF A WELL.
7 7-A. "HYDRAULIC FRACTURING" OR WHAT IS COMMONLY REFERRED TO AS "HYDRO-
8 FRACKING" IS THE PROCESS OF USING HIGH-PRESSURED WATER AND HUNDREDS OF
9 CHEMICALS, INCLUDING RADIOACTIVE MATERIALS, TO DRILL THROUGH SHALE FOR
10 THE PURPOSE OF EXTRACTING NATURAL GAS FROM BELOW THE EARTH'S SURFACE.
11 16-A. "PRODUCTION BRINE" OR "PRODUCED WATER" MEANS LIQUIDS CO-PRODUCED
12 DURING OIL AND GAS PRODUCTION.
13 21. "ROAD" MEANS ANY PUBLIC ROADS, STREETS OR BRIDGES OWNED OR
14 CONTROLLED BY THE STATE.
15 S 2. The environmental conservation law is amended by adding a new
16 section 23-0315 to read as follows:
17 S 23-0315. WASTEWATER FOR ROAD AND LAND SPREADING; PROHIBITED.
18 1. WASTEWATER ASSOCIATED WITH THE PRODUCTION OF NATURAL GAS USING
19 HYDRAULIC FRACTURING, INCLUDING FLOWBACK FLUID, PRODUCTION BRINE OR
20 PRODUCED WATER, SHALL NOT BE USED FOR THE PURPOSE OF ROAD SPREADING FOR
21 DUST CONTROL OR DE-ICING. NO PROVISION OF SUCH WASTEWATER THROUGH STATE
22 CONTRACTS TO ANY MUNICIPALITY, COMPANY OR BUSINESS FOR USE IN ANY MANNER
23 IS PERMITTED.

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

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1 2. THE COMMISSIONER SHALL PROMULGATE ANY NECESSARY RULES AND REGU-
2 LATIONS DETAILING THE PROHIBITION OF HYDRAULIC WASTEWATER FROM SPREADING
3 ON ROADS FOR USE AS DE-ICER OR DUST CONTROL. FURTHER, THE COMMISSIONER
4 SHALL, IN CONSULTATION WITH THE OFFICE OF GENERAL SERVICES, ENSURE THAT
5 HYDRAULIC WASTEWATER IS A PROHIBITED PRODUCT, NOT AVAILABLE TO ANY
6 GOVERNMENTAL OR COMMERCIAL ENTITY.

7 S 3. This act shall take effect immediately.