

5132

2013-2014 Regular Sessions

I N A S S E M B L Y

February 20, 2013

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

AN ACT to establish a moratorium on high-volume hydraulic fracturing and
horizontal drilling for natural gas until all aquifers are classified
and mapped

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

1 Section 1. a. Notwithstanding any provision of law to the contrary,
2 there is hereby established a moratorium upon high-volume hydraulic
3 fracturing and horizontal drilling for the purpose of extracting natural
4 gas in the state until such time as every aquifer in the state is mapped
5 at a scale of 1:24,000 and classified by the United States Geological
6 Survey and/or the New York State Geological Survey.
7 b. For the purposes of this act, the following terms shall mean:
8 (i) "High-volume hydraulic fracturing" shall mean the fracturing of
9 rock by man-made, pressurized, fluid-driven fracturing techniques for
10 the purpose of stimulating natural gas or oil well production.
11 (ii) "Horizontal drilling" shall mean a vertical well which is curved
12 at depth to drill horizontally into natural gas-bearing rock.
13 (iii) "Aquifer" shall mean an underground layer of water-bearing
14 permeable rock or unconsolidated material such as gravel, sand or silt,
15 from which groundwater can be extracted.
16 c. Notwithstanding any other provision of this act, the moratorium
17 established by subdivision a of this section shall not be rescinded
18 until the department of environmental conservation:
19 (i) receives and adopts the aquifer maps and classifications; and
20 (ii) proposes and adopts requirements, procedures and regulations that
21 are protective of these aquifers including, but not limited to:
22 (A) drilling procedures that will prevent the escape of any drilling
23 fluids into an aquifer;

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

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- 1 (B) continuous water testing of affected aquifers for contamination
- 2 that may result from drilling operations;
- 3 (C) recordkeeping of all water testing results; and
- 4 (D) plans for containment and remediation of any contamination caused
- 5 by drilling operations.
- 6 S 2. This act shall take effect immediately.