

9074--A

I N   A S S E M B L Y

March 12, 2014

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Introduced by M. of A. ABINANTI -- read once and referred to the Committee on Environmental Conservation -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the environmental conservation law, in relation to prohibiting the use of waste from oil or natural gas extraction activities on any highway

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

- 1     Section 1.     Section 23-0305 of the environmental conservation law is  
2 amended by adding two new subdivisions 15 and 16 to read as follows:  
3     15. THE DEPARTMENT SHALL PROHIBIT THE USE OF WASTE GENERATED FROM OIL  
4 OR NATURAL GAS EXTRACTION ACTIVITIES ON ANY HIGHWAY, AS DEFINED IN  
5 SUBDIVISION FOURTEEN OF SECTION TWO OF THE TRANSPORTATION LAW, FOR ANY  
6 PURPOSE, INCLUDING BUT NOT LIMITED TO USE FOR DE-ICING, DUST SUPPRESSION  
7 OR ANY OTHER USE. SUCH PROHIBITION SHALL EXTEND TO ALL WASTE FROM OIL OR  
8 NATURAL GAS WHETHER OR NOT SUCH WASTE RECEIVED A BENEFICIAL USE DETERMI-  
9 NATION PURSUANT TO 6 NYCRR PART 360.  
10     16. THE DEPARTMENT SHALL PROHIBIT THE USE OF WASTE GENERATED FROM THE  
11 STORAGE OF OIL OR NATURAL GAS ON ANY HIGHWAY AS DEFINED IN SUBDIVISION  
12 FOURTEEN OF SECTION TWO OF THE TRANSPORTATION LAW, FOR ANY PURPOSE  
13 INCLUDING, BUT NOT LIMITED TO, DE-ICING, DUST SUPPRESSION OR ANY OTHER  
14 USE. SUCH PROHIBITION SHALL EXTEND TO ALL WASTE FROM OIL OR NATURAL GAS  
15 WHETHER OR NOT SUCH WASTE RECEIVED A BENEFICIAL USE DETERMINATION PURSU-  
16 ANT TO 6 NYCRR PART 360.  
17     S 2. Paragraphs d and e of subdivision 20 of section 23-0101 of the  
18 environmental conservation law, as amended by chapter 846 of the laws of  
19 1981, are amended and two new paragraphs f and g are added to read as  
20 follows:  
21     d. The inefficient storing of oil or gas; [and]  
22     e. The flaring of gas produced from an oil or condensate well after  
23 the department has found that the use of the gas, on terms that are just  
24 and reasonable, is, or will be economically feasible within a reasonable  
25 time[.];

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

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1 F. ANY WASTE THAT IS GENERATED AS A RESULT OF OIL OR NATURAL GAS  
2 EXTRACTION ACTIVITIES WHICH SHALL INCLUDE, BUT IS NOT LIMITED TO, LEAC-  
3 HATE FROM SOLID WASTE ASSOCIATED WITH NATURAL GAS ACTIVITIES. THIS WASTE  
4 MAY CONSIST OF, AMONG OTHER SUBSTANCES, WATER, BRINE CHEMICAL ADDITIVES  
5 OR NATURALLY OCCURRING RADIOACTIVE MATERIALS (NORM) AND HEAVY METALS;  
6 AND

7 G. ANY WASTE THAT IS GENERATED FROM THE STORAGE OF OIL OR NATURAL GAS.

8 S 3. Section 23-0101 of the environmental conservation law is amended  
9 by adding a new subdivision 21 to read as follows:

10 21. "NATURAL GAS EXTRACTION ACTIVITIES" MEANS ALL GEOLOGIC OR GEOPHY-  
11 SICAL ACTIVITIES RELATED TO THE EXPLORATION OR EXTRACTION OF OIL OR  
12 NATURAL GAS OR OTHER SUBSURFACE HYDROCARBON DEPOSITS, INCLUDING, BUT NOT  
13 LIMITED TO, CORE AND ROTARY DRILLING AND HYDRAULIC FRACTURING.

14 S 4. Subdivision 3 of section 71-1307 of the environmental conserva-  
15 tion law, as amended by chapter 99 of the laws of 2010, is amended to  
16 read as follows:

17 3. Criminal sanctions. Any person who, having any of the culpable  
18 mental states defined in sections 15.05 and 20.20 of the penal law,  
19 violates any provision of article 23 of this chapter or commits any  
20 offense described in section 71-1305 of this title shall be guilty of a  
21 misdemeanor and, upon conviction thereof, shall be punished by a fine  
22 not to exceed one thousand dollars for each day during which such  
23 violation continues or by imprisonment for a term of not more than one  
24 year, or by both such fine and imprisonment. If the conviction is for a  
25 subsequent offense committed after a first conviction of such person  
26 under this subdivision, punishment shall be by a fine not to exceed  
27 eight thousand dollars for each day during which such violation contin-  
28 ues or by imprisonment for a term of not more than one year, or by both  
29 such fine and imprisonment. NOTWITHSTANDING THE PROVISIONS OF THIS  
30 SUBDIVISION, ANY PERSON WHO VIOLATES THE PROVISIONS OF SUBDIVISION  
31 FIFTEEN OR SIXTEEN OF SECTION 23-0305 OF THIS CHAPTER SHALL BE PUNISHA-  
32 BLE BY A FINE NOT TO EXCEED TWENTY-FIVE THOUSAND DOLLARS PER VIOLATION  
33 AND/OR BY IMPRISONMENT FOR A TERM OF NOT MORE THAN ONE YEAR. EACH  
34 INTRODUCTION OR USE AND/OR APPLICATION OF WASTE FROM OIL OR NATURAL GAS  
35 EXTRACTION ACTIVITIES AND/OR WASTE FROM THE STORAGE OF OIL OR NATURAL  
36 GAS SHALL CONSTITUTE A SEPARATE AND DISTINCT VIOLATION.

37 S 5. This act shall take effect on the one hundred eightieth day after  
38 it shall have become a law.