

2013-2014 Regular Sessions

I N S E N A T E

(PREFILED)

January 9, 2013

Introduced by Sens. AVELLA, ADAMS, ADDABBO, CARLUCCI, DILAN, ESPAILLAT, HASSELL-THOMPSON, KLEIN, KRUEGER, MONTGOMERY, PERKINS, RIVERA, SAMPSON, SAVINO, SERRANO, SQUADRON, STAVISKY -- 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 prohibiting the use of hydraulic fracturing and the disposal and/or processing of any fluid which was used in a hydraulic fracturing process

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

1 Section 1. Paragraph b of subdivision 1 of section 23-0501 of the  
2 environmental conservation law is amended by adding a new subparagraph 4  
3 to read as follows:

4 (4) "HYDRAULIC FRACTURING" MEANS FRACTURING OF ROCK BY MAN-MADE  
5 FLUID-DRIVEN FRACTURING TECHNIQUES FOR THE PURPOSE OF STIMULATING  
6 NATURAL GAS OR OIL WELL PRODUCTION. ANY FLUID USED IN SUCH A FRACTURING  
7 TECHNIQUE SHALL BE DEEMED A "HYDRAULIC FRACTURING FLUID", INCLUDING  
8 WATER OR LIQUID PROPANE GAS.

9 S 2. Section 23-0305 of the environmental conservation law is amended  
10 by adding a new subdivision 15 to read as follows:

11 15. THE DEPARTMENT SHALL NOT ISSUE A PERMIT FOR THE DRILLING OR OPERA-  
12 TION OF ANY WELL PROPOSING TO USE HYDRAULIC FRACTURING OR HYDRAULIC  
13 FRACTURING FLUIDS, AS SUCH TERMS ARE DEFINED BY SUBPARAGRAPH FOUR OF  
14 PARAGRAPH B OF SUBDIVISION ONE OF SECTION 23-0501 OF THIS ARTICLE, FOR  
15 THE EXTRACTION OF GAS AND/OR OIL.

16 S 3. Subdivision 3 of section 23-0501 of the environmental conserva-  
17 tion law is renumbered subdivision 4 and a new subdivision 3 is added to  
18 read as follows:

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

LBD03421-01-3

1 3. THE DEPARTMENT SHALL NOT ISSUE A PERMIT FOR THE DRILLING OR OPERA-  
2 TION OF ANY WELL PROPOSING TO USE HYDRAULIC FRACTURING OR HYDRAULIC  
3 FRACTURING FLUIDS FOR THE EXTRACTION OF GAS AND/OR OIL.

4 S 4. The environmental conservation law is amended by adding a new  
5 section 17-0513 to read as follows:

6 S 17-0513. PROHIBITION ON ACCEPTANCE, DISPOSAL AND/OR PROCESSING OF ANY  
7 FLUID USED IN A HYDRAULIC FRACTURING PROCESS.

8 1. NOTWITHSTANDING ANY PROVISION OF LAW, RULE OR REGULATION TO THE  
9 CONTRARY, THE ACCEPTANCE, DISPOSAL AND/OR PROCESSING OF ANY DRILLING  
10 FLUIDS OR DRILL CUTTINGS IN THIS STATE, WHEN SUCH DRILLING FLUIDS OR  
11 DRILL CUTTINGS HAVE BEEN USED IN A HYDRAULIC FRACTURING PROCESS, IS  
12 PROHIBITED.

13 2. FOR THE PURPOSES OF THIS SECTION:

14 (A) "DRILLING FLUIDS" SHALL MEAN DRILLING MUD, CHEMICAL ADDITIVES  
15 CONTAINED IN OR ADDED TO DRILLING FLUIDS DURING THE HYDRAULIC FRACTURING  
16 DRILLING PROCESS, FLOW BACK WATER THAT RETURNS TO THE SURFACE AFTER THE  
17 HYDRAULIC FRACTURING PROCESS, OR ANY OTHER RESIDUAL LIQUIDS INVOLVED IN  
18 DRILLING.

19 (B) "DRILL CUTTINGS" SHALL MEAN SOLID PRODUCTS REMOVED FROM THE WELL  
20 BORE DURING AN OIL OR GAS WELL DRILLING OPERATION.

21 (C) "HYDRAULIC FRACTURING" SHALL MEAN THE FRACTURING OF ROCK BY  
22 MAN-MADE FLUID-DRIVEN FRACTURING TECHNIQUES FOR THE PURPOSE OF STIMULAT-  
23 ING NATURAL GAS OR OIL WELL PRODUCTION.

24 S 5. This act shall take effect immediately.