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

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 ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Section 23-0101 of the environmental conservation law is amended by adding four new subdivisions 4-a, 7-a, 16-a and 21 to read as follows:

4-A. "FLOWBACK FLUID" MEANS LIQUIDS PRODUCED DURING INITIAL COMPLETION AND CLEANUP OF THE WELL OR CLEANUP OF A WELL FOLLOWING REFRACTURE OR WORK OVER OF A WELL.

7-A. "HYDRAULIC FRACTURING" OR WHAT IS COMMONLY REFERRED TO AS "HYDROFRACKING" IS THE PROCESS OF USING HIGH-PRESSURED WATER AND HUNDREDS OF CHEMICALS, INCLUDING RADIOACTIVE MATERIALS, TO DRILL THROUGH SHALE FOR THE PURPOSE OF EXTRACTING NATURAL GAS FROM BELOW THE EARTH'S SURFACE.

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

21. "ROAD" MEANS ANY PUBLIC ROADS, STREETS OR BRIDGES OWNED OR CONTROLLED BY THE STATE.

S 2. The environmental conservation law is amended by adding a new section 23-0315 to read as follows:

S 23-0315. WASTEWATER FOR ROAD AND LAND SPREADING; PROHIBITED.

1. WASTEWATER ASSOCIATED WITH THE PRODUCTION OF NATURAL GAS USING HYDRAULIC FRACTURING, INCLUDING FLOWBACK FLUID, PRODUCTION BRINE OR PRODUCED WATER, SHALL NOT BE USED FOR THE PURPOSE OF ROAD SPREADING FOR DUST CONTROL OR DE-ICING. NO PROVISION OF SUCH WASTEWATER THROUGH STATE CONTRACTS TO ANY MUNICIPALITY, COMPANY OR BUSINESS FOR USE IN ANY MANNER IS PERMITTED.

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

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

S 3. This act shall take effect immediately.