

326

2013-2014 Regular Sessions

I N S E N A T E

(PREFILED)

January 9, 2013

Introduced by Sens. AVELLA, ADDABBO -- read twice and ordered printed,
and when printed to be committed to the Committee on Environmental
Conservation

AN ACT to require a seismological impact study related to hydrofracking

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

1 Section 1. The purpose of this legislation is to inform the people of
2 the state of New York of any and all potential seismological impacts
3 posed by the extraction of natural gas using horizontal drilling and
4 high-volume hydraulic fracturing and to provide an analysis of those
5 impacts. Such analysis and information shall help facilitate informed
6 decisions regarding actions to be taken with respect to such activities
7 in the state.

8 S 2. Pursuant to appropriation, a school of geological sciences within
9 the state university of New York (hereinafter "the school of geological
10 sciences") shall conduct a comprehensive seismological impact assessment
11 to examine potential geophysical impacts that may be caused by the
12 extraction of natural gas using horizontal drilling and high-volume
13 hydraulic fracturing. For the purposes of this act, a "seismological
14 impact assessment" shall mean a combination of procedures, methods, and
15 tools by which a policy, program, or project may be judged as to its
16 potential effects on the seismic activity in the surrounding area, and
17 the potential impact in New York state.

18 S 3. Prior to the commencement of such assessment, the school of
19 geological sciences conducting such assessment shall prepare a scoping
20 document that will establish the parameters of the seismological impact
21 assessment. The scoping document shall include the analyses required by
22 this act, as well as any other analyses conducted, and shall be subject
23 to public review, comment and revision.

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

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1 S 4. Such seismological assessment of the extraction of natural gas
2 using horizontal drilling and high-volume hydraulic fracturing shall
3 include, at a minimum, the following analyses:
4 (a) Identification and assessment of the impact that high-volume
5 hydraulic fracturing has on seismic activity in surrounding areas;
6 (b) Estimated costs of any seismological impacts to the state as a
7 whole;
8 (c) Recommendations for any mitigation of potential seismic impacts
9 and the methods and evidence used to arrive at such recommendations; and
10 (d) A long-term plan for monitoring, evaluating, tracking and mitigat-
11 ing potential seismic impacts.

12 S 5. A draft of such seismological impact assessment shall be released
13 for public review and comment. The school of geological sciences
14 conducting such assessment shall conduct a minimum of two public hear-
15 ings regarding the findings of the draft seismological impact assessment
16 and allow at least one hundred eighty days for the public to submit
17 comments. Upon the closing of the public comment period, such school of
18 geological sciences shall categorize, review and respond to all public
19 comments. If substantive changes to the seismological impact assessment
20 are made as a result of public comments, such school of geological
21 sciences shall issue a revised draft. Such revised draft shall similarly
22 be subject to public comment and review, in compliance with the parame-
23 ters set out for the initial draft.

24 S 6. After responding to all public comments as required by section
25 five of this act, and upon completion of the seismological impact
26 assessment, such school of geological sciences shall submit the
27 completed seismological impact assessment to the department of environ-
28 mental conservation. The department of environmental conservation shall
29 make such seismological impact assessment available to the public and
30 deliver copies to the legislature and the governor for review.

31 S 7. This act shall take effect immediately.