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

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I N S E N A T E

June 9, 2014

Introduced by Sens. O'BRIEN, TKACZYK -- 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 wastewater treatment facilities

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

Section 1. The environmental conservation law is amended by adding a new section 17-0513 to read as follows:

S 17-0513. STANDARDS OF PERFORMANCE FOR WASTEWATER FACILITIES.

NO WASTEWATER TREATMENT FACILITY IN THE STATE SHALL ACCEPT ANY WASTEWATER FROM HYDRAULIC FRACTURING OPERATIONS UNLESS SUCH FACILITY MEETS THE REQUIREMENTS ESTABLISHED IN SECTION 17-0709 OF THIS ARTICLE.

S 2. The environmental conservation law is amended by adding a new section 17-0709 to read as follows:

S 17-0709. WASTEWATER TREATMENT FACILITIES.

NOTWITHSTANDING ANYTHING TO THE CONTRARY CONTAINED IN SUBDIVISION TWENTY-ONE OF SECTION 17-0105 OF THIS ARTICLE, THE COMMISSIONER SHALL PROMULGATE REGULATIONS ESTABLISHING A STANDARD OF PERFORMANCE FOR THE CONTROL OF THE DISCHARGE OF POLLUTANTS FROM FACILITIES WHICH TREAT WASTEWATER FROM HYDRAULIC FRACTURING OPERATIONS. THIS STANDARD OF PERFORMANCE SHALL PERMIT NO DISCHARGE OF POLLUTANTS, OR IF NOT FEASIBLE, SHALL REFLECT THE GREATEST DEGREE OF EFFLUENT REDUCTION ACHIEVABLE THROUGH APPLICATION OF THE BEST AVAILABLE DEMONSTRATED CONTROL TECHNOLOGY, PROCESSES, OPERATING METHODS, OR OTHER ALTERNATIVES. THIS STANDARD OF PERFORMANCE SHALL REMAIN IN EFFECT UNTIL SUCH TIME THAT THE FEDERAL GOVERNMENT DETERMINES THAT A GREATER DEGREE OF EFFLUENT LIMITATION IS ACHIEVABLE BY THIS CATEGORY OF FACILITIES, AT WHICH TIME THIS STANDARD OF PERFORMANCE SHALL BE SUPERSEDED BY SUCH FEDERAL STANDARD.

S 3. This act shall take effect immediately; provided, however, that section two of this act shall take effect January 1, 2019.

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

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