

STATE OF NEW YORK

10167

IN ASSEMBLY

March 22, 2018

Introduced by M. of A. ORTIZ -- read once and referred to the Committee on Environmental Conservation

AN ACT to establish a moratorium upon the acceptance, use, processing and/or transport of any natural gas that has been produced by a hydraulic fracturing process occurring outside of the state, pending the issuance of an environmental impact assessment thereon by the department of environmental conservation; and providing for the repeal of such provisions upon the expiration thereof

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. (a) Notwithstanding any provision of law to the contrary,
2 there is hereby established a moratorium upon the acceptance, use, proc-
3 essing and/or transport of any natural gas that has been produced by a
4 hydraulic fracturing process occurring outside of this state. The
5 purpose of such moratorium shall be to afford the state and its resi-
6 dents the opportunity to review an environmental impact assessment to be
7 issued by the department of environmental conservation on the effects of
8 acceptance, use, processing and/or transporting of gas that has been
9 produced by a hydraulic fracturing process on the environment.

10 (b) For the purpose of this section "hydraulic fracturing" shall mean
11 the fracturing of rock by man-made fluid-driven fracturing techniques
12 for the purpose of stimulating natural gas or oil well production.

13 § 2. 1. The department of environmental conservation shall conduct a
14 comprehensive environmental impact assessment, to examine potential
15 environmental impacts that could be caused by the acceptance, use, proc-
16 essing and/or transport of any natural gas that has been produced by a
17 hydraulic fracturing process occurring outside of this state. Such envi-
18 ronmental impact assessment shall include, at a minimum, the following
19 analyses:

20 (a) identification and assessment of potential localized and statewide
21 environmental impacts from the acceptance, use, processing and/or trans-
22 port of any natural gas that has been produced by a hydraulic fracturing
23 process occurring outside of this state;

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

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1 (b) identification and assessment of potential environmental impacts
2 determining the magnitude, nature, extent and likelihood of potential
3 environmental impacts utilizing multiple methods and information derived
4 from a combination of environmental tools including risk assessment,
5 literature, population analysis and expert opinions from multiple sources;
6

7 (c) identification and assessment of potential environmental impacts
8 as they relate to environmental justice concerns;

9 (d) estimated costs of any environmental impacts from the acceptance,
10 use, processing and/or transport of any natural gas that has been
11 produced by a hydraulic fracturing process occurring outside of this
12 state and related activities to state and local governments;

13 (e) recommendations for any mitigation of potential environmental
14 impacts and the methods and evidence used to arrive at such recommendations,
15 which may include potential recommendations against any or all
16 acceptance, use, processing and/or transport of any natural gas that has
17 been produced by a hydraulic fracturing process occurring outside of
18 this state; and

19 (f) a long-term plan for monitoring, evaluation, follow-up and mitigation
20 of potential environmental impacts of the acceptance, use, processing
21 and/or transport of any natural gas that has been produced by a
22 hydraulic fracturing process occurring outside of this state.

23 2. Upon completion of the environmental impact assessment, such
24 assessment shall be submitted to the governor, the temporary president
25 of the senate and the speaker of the assembly.

26 § 3. This act shall take effect immediately, and shall expire and be
27 deemed repealed on the one hundred twentieth day after the department of
28 environmental conservation issues an assessment on the environmental
29 impact of the acceptance, use, processing and/or transport of any
30 natural gas that has been produced by a hydraulic fracturing process
31 occurring outside of this state on the environment. Provided, that the
32 commissioner of environmental conservation shall notify the legislative
33 bill drafting commission upon the issuance by the department of environmental
34 conservation of the assessment on the effects of the acceptance,
35 use, processing and/or transport of any natural gas that has been
36 produced by a hydraulic fracturing process occurring outside of this
37 state or the environment as referred to in section two of this act, and
38 the submission to the governor and the legislature of such assessment in
39 order that such commission may maintain an accurate and timely effective
40 data base of the official text of the laws of the state of New York in
41 furtherance of effectuating the provisions of section 44 of the legislative
42 law and section 70-b of the public officers law.