STATE OF NEW YORK

1559

2019-2020 Regular Sessions

IN ASSEMBLY

January 15, 2019

Introduced by M. of A. ORTIZ, D'URSO, WEPRIN, SIMON, WILLIAMS, NIOU, DICKENS, LAVINE, COOK, GALEF, CRESPO, TAYLOR, GOTTFRIED, JAFFEE, SEAWRIGHT, EPSTEIN, MOSLEY -- 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:

Section 1. (a) Notwithstanding any provision of law to the contrary, there is hereby established 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 this state. The purpose of such moratorium shall be to afford the state and its residents the opportunity to review an environmental impact assessment to be issued by the department of environmental conservation on the effects of acceptance, use, processing and/or transporting of gas that has been produced by a hydraulic fracturing process on the environment.

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

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

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

LBD05275-01-9

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

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

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

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

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

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

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

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