

# STATE OF NEW YORK

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1559

2019-2020 Regular Sessions

## IN ASSEMBLY

January 15, 2019

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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:

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:

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

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

5 (b) identification and assessment of potential environmental impacts  
6 determining the magnitude, nature, extent and likelihood of potential  
7 environmental impacts utilizing multiple methods and information derived  
8 from a combination of environmental tools including risk assessment,  
9 literature, population analysis and expert opinions from multiple sourc-  
10 es;

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

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

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

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

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

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