STATE OF NEW YORK

3561

2019-2020 Regular Sessions

IN ASSEMBLY

January 29, 2019

Introduced by M. of A. ENGLEBRIGHT, COLTON, DINOWITZ, BENEDETTO, O'DONNELL, L. ROSENTHAL, GOTTFRIED, GALEF, COOK, JAFFEE, CAHILL -- Multi-Sponsored by -- M. of A. GLICK, LENTOL, STECK, THIELE -- read once and referred to the Committee on Environmental Conservation

AN ACT to establish a moratorium on high-volume hydraulic fracturing and horizontal drilling for natural gas until all aquifers are classified and mapped

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 high-volume hydraulic fracturing and horizontal drilling for the purpose of extracting natural gas in the state until such time as every aquifer in the state is mapped at a scale of 1:24,000 and classified by the United States Geological Survey and/or the New York State Geological Survey.

b. For the purposes of this act, the following terms shall mean:

(i) "High-volume hydraulic fracturing" shall mean the fracturing of rock by man-made, pressurized, fluid-driven fracturing techniques for the purpose of stimulating natural gas or oil well production.

(ii) "Horizontal drilling" shall mean a vertical well which is curved at depth to drill horizontally into natural gas-bearing rock.

(iii) "Aquifer" shall mean an underground layer of water-bearing permeable rock or unconsolidated material such as gravel, sand or silt, from which groundwater can be extracted.

c. Notwithstanding any other provision of this act, the moratorium established by subdivision a of this section shall not be rescinded until the department of environmental conservation:

(i) receives and adopts the aquifer maps and classifications; and

(ii) proposes and adopts requirements, procedures and regulations that are protective of these aquifers including, but not limited to:

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

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(A) drilling procedures that will prevent the escape of any drilling fluids into an aquifer;

(B) continuous water testing of affected aquifers for contamination that may result from drilling operations;

(C) recordkeeping of all water testing results; and

(D) plans for containment and remediation of any contamination caused by drilling operations.

§ 2. This act shall take effect immediately.