

STATE OF NEW YORK

536

2023-2024 Regular Sessions

IN ASSEMBLY

January 9, 2023

Introduced by M. of A. L. ROSENTHAL, FAHY, THIELE, COLTON, CARROLL,
STECK -- read once and referred to the Committee on Environmental
Conservation

AN ACT to amend the environmental conservation law, in relation to
prohibiting the use of wastewater for road and land spreading

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

1 Section 1. Section 23-0101 of the environmental conservation law is
2 amended by adding three new subdivisions 4-a, 7-a and 16-a to read as
3 follows:

4 4-a. "Flowback fluid" means liquids produced during initial completion
5 and cleanup of the well or cleanup of a well following refracture or
6 work over of a well.

7 7-a. "High-volume hydraulic fracturing" or "HVHF" means hydraulic
8 fracturing for natural gas extraction using greater than three hundred
9 thousand gallons of water regardless of whether the well is vertical,
10 directional or horizontal.

11 16-a. "Production brine" or "produced water" means liquids co-produced
12 during oil and gas production.

13 § 2. The environmental conservation law is amended by adding a new
14 section 23-0315 to read as follows:

15 § 23-0315. Wastewater for road and land spreading; prohibited.

16 Wastewater associated with the production of natural gas using high-
17 volume hydraulic fracturing, including flowback fluid, production brine
18 or produced water, shall not be used for the purpose of road spreading
19 for dust control or de-icing or land spreading.

20 § 3. This act shall take effect immediately.

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

LBD00767-01-3