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Senators Weinberg, Turner, Allen, Beck, Buono, Gill, Whelan,
Assemblymen Caputo, Mainor, Prieto, Conners, P. Barnes, III,
Assemblywoman Stender, Assemblymen Benson, Chivukula, Diegnan and
Wisniewski

SYNOPSIS
Prohibits drilling technique of hydraulic fracturing.

CURRENT VERSION OF TEXT
As amended on January 9, 2012 by the Senate pursuant to the Governor's recommendations.

(Sponsorship Updated As Of: 6/30/2011)
AN ACT concerning certain drilling techniques and supplementing P.L.1985, c.432 (C.13:1M-1 et seq.).

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

1. The Legislature finds and declares that the practice of the drilling technique of hydraulic fracturing for natural gas exploration and production has been found to use a variety of contaminating chemicals and materials that can suddenly and in an uncontrolled manner be introduced into the surface waters and ground water of the State; that the companies engaging in the use of this drilling technique have been less than forthcoming in revealing the “cocktail” of chemicals and their volume that can be introduced into these waters; that in June 2010, there occurred an incident of an uncontrolled release of many gallons of contaminated water and natural gas from a hydraulic fracturing drill site in Clearfield County, Pennsylvania, and other such accidents are likely to occur; and that other states, including New Jersey’s neighbor, New York, are considering banning the drilling technique.

The Legislature therefore determines it is prudent and in the best interest of the people of the State of New Jersey to prohibit hydraulic fracturing in the State for the purpose of natural gas exploration or production.

1. The Legislature finds and declares that the process of hydraulic fracturing for natural gas exploration and production has been found to use and release a variety of chemicals and materials that, if introduced into the air, surface waters, or ground water of the State, raise concerns about potential contamination and pollution.

Hydraulic fracturing is not occurring and is unlikely to occur in New Jersey in the foreseeable future. Nevertheless, the Legislature determines that it is prudent and in the best interest of the people of the State of New Jersey to declare a moratorium on hydraulic fracturing in New Jersey in order to conduct an investigation into whether hydraulic fracturing could have or is likely to have an adverse impact on air and water quality in this State.

2. a. No person may use the drilling technique known as hydraulic fracturing in the State for the purpose of natural gas exploration or production for a period of 12 months from the effective date of this act.

EXPLANATION – Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.
Matter enclosed in superscript numerals has been adopted as follows:
Senator amendments adopted in accordance with Governor’s recommendations January 9, 2012.
b. The Department of Environmental Protection shall conduct an investigation into whether hydraulic fracturing could have or is likely to have an adverse impact on air and water quality in this State and report its findings to the Governor and the Legislature.

c. As used in this act, “hydraulic fracturing” means the drilling technique of expanding existing fractures or creating new fractures in rock by injecting water, often with chemicals, sand, or other substances, and often under pressure, into or underneath the surface of the rock for purposes including, but not necessarily limited to, well drilling and natural gas exploration and production. The term “hydraulic fracturing” shall include “fracking,” “hydrofracking,” “hydrofracturing,” and other colloquial terms for this drilling technique.

3. This act shall take effect immediately.
SYNOPSIS

Prohibits treatment, discharge, disposal, or storage of wastewater, wastewater solids, sludge, drill cuttings or other byproducts from natural gas exploration or production using hydraulic fracturing.

CURRENT VERSION OF TEXT

As reported by the Assembly Environment and Solid Waste Committee on June 14, 2012, with amendments.

(Sponsorship Updated As Of: 6/26/2012)
AN ACT concerning wastewater¹, wastewater solids, sludge, drill cuttings or other byproducts¹ from [hydraulic fracturing] certain drilling techniques¹ and supplementing P.L.1977, c.74 (C.58:10A-1 et seq.).

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

¹1. The Legislature finds and declares that the practice of the drilling technique of hydraulic fracturing for natural gas exploration and production has been found to use a variety of contaminating chemicals and materials; that the drilling technique uses vast quantities of water mixed with chemicals and solids pumped into shale formations at high pressure to fracture the shale formations; that millions of gallons of contaminated water flow back out of the well; and that the companies engaging in the use of this drilling technique have been less than forthcoming in revealing the “cocktail” of chemicals and their concentrations and volume.

   The Legislature further finds and declares that the treatment of wastewater, wastewater solids, sludge, drill cuttings or other byproducts from the hydraulic fracturing process poses financial, operational, health, and environmental risks to the citizens of the State; that the high concentrations of solids present in hydraulic fracturing wastewater and other wastes may include calcium, magnesium, phosphates, nitrates, sulphates, chloride, barium, cadmium, strontium, dissolved organics such as benzene and toluene, and copper, which would interfere with the processes of wastewater treatment plants by inhibiting the anaerobic digestion processes and disrupting the biological digestion processes; that the heavy metals present may precipitate during the treatment process and contaminate biosolids from the plant, which would require expensive decontamination of drying beds or prevent the usual methods of reuse or disposal of those biosolids; and that no federal or State standards have been adopted governing the treatment and disposal of hydraulic fracturing wastes.

   The Legislature further finds and declares that in addition to the chemicals and solids used in the well drilling process, the United States Environmental Protection Agency has noted that radioactive materials have been found in "fairly high concentrations" in hydraulic fracturing wastewater and hydraulic fracturing wastes; that wastewater treatment plants are not designed to treat for radioactivity; that not only does wastewater contaminated with radionuclides pose a risk to public drinking water supplies if not properly treated, but those radioactive materials may also form

EXPLANATION – Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.
Matter enclosed in superscript numerals has been adopted as follows:
¹Assembly AEN committee amendments adopted June 14, 2012.
deposits over time in equipment and pipes which would cause a health risk to plant workers; and that radioactive materials, as well as heavy metals and other toxic materials, present in hydraulic fracturing wastewater pose a risk of contamination of the treatment plant's biosolids.

The Legislature further finds and declares that in addition to the dangers and uncertainties for wastewater treatment plants, other wastes from the hydraulic fracturing process such as drilling mud, drill cuttings, sludge and concentrated byproducts pose a danger to the environment and the health and safety of the citizens of the State; that the chemical content of wastes from hydraulic fracturing varies based on location of the well and the chemicals injected; that the regulatory requirements for ultimate treatment and disposal of such waste are not clear with regard to whether it may be disposed of at a landfill or must be treated at a wastewater treatment facility; that such waste has been exempted from many federal hazardous waste laws even though it contains hazardous materials; that the waste has been sent to landfills and hazardous waste processing or recycling facilities even though some of the waste contains concentrated radioactive liquids, hydrocarbons and toxic pollutants; and that landfills and treatment facilities in the State are not designed to accept or treat radioactive materials.

The Legislature therefore determines, in light of the State's small size, population density, and heavy reliance on surface waters for drinking water purposes, it is prudent and in the best interest of the health, safety and welfare of the people of the State of New Jersey to prohibit the treatment, discharge, disposal, or storage of wastewater, wastewater solids, sludge, drill cuttings or other byproducts resulting from hydraulic fracturing.

As used in this act, “hydraulic fracturing” means the drilling technique of expanding existing fractures or creating new fractures in rock by injecting water, often with chemicals, sand, or other substances, and often under pressure, into or underneath the surface of the rock for purposes including, but not necessarily limited to, well drilling and natural gas exploration and production. The term “hydraulic fracturing” shall include “fracking,” “hydrofracking,” “hydrofracturing,” and other colloquial terms for this drilling technique.

No wastewater, wastewater solids, sludge, drill cuttings or other byproducts resulting from hydraulic fracturing for the purpose of natural gas exploration or production in any state may be treated, discharged, disposed of, or stored in the State.

As used in this section, “hydraulic fracturing” means the drilling technique of expanding existing fractures or creating new fractures in rock by injecting water, often with chemicals, sand, or
other substances, and often under pressure, into or underneath the surface of the rock for purposes including, but not necessarily limited to, well drilling and natural gas exploration and production. The term “hydraulic fracturing” shall include “fracking,” “hydrofracking,” “hydrofracturing,” and other colloquial terms for this drilling technique.\[4.1\] This act shall take effect immediately.