

[First Reprint]

SENATE, No. 2576

STATE OF NEW JERSEY

214th LEGISLATURE

INTRODUCED DECEMBER 20, 2010

Sponsored by:

Senator ROBERT M. GORDON

District 38 (Bergen)

Senator LINDA R. GREENSTEIN

District 14 (Mercer and Middlesex)

Senator CHRISTOPHER "KIP" BATEMAN

District 16 (Morris and Somerset)

Assemblywoman CONNIE WAGNER

District 38 (Bergen)

Assemblyman REED GUSCIORA

District 15 (Mercer)

Assemblywoman VALERIE VAINIERI HUTTLE

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District 7 (Burlington and Camden)

Assemblyman RUBEN J. RAMOS, JR.

District 33 (Hudson)

Co-Sponsored by:

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)

1 AN ACT concerning certain drilling techniques and supplementing
2 P.L.1985, c.432 (C.13:1M-1 et seq.).

3

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

6

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

21 The Legislature therefore determines it is prudent and in the best
22 interest of the people of the State of New Jersey to prohibit
23 hydraulic fracturing in the State for the purpose of natural gas
24 exploration or production.]¹

25

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

32 Hydraulic fracturing is not occurring and is unlikely to occur in
33 New Jersey in the foreseeable future. Nevertheless, the Legislature
34 determines that it is prudent and in the best interest of the people of
35 the State of New Jersey to declare a moratorium on hydraulic
36 fracturing in New Jersey in order to conduct an investigation into
37 whether hydraulic fracturing could have or is likely to have an
38 adverse impact on air and water quality in this State.¹

39

40 2. a. No person may use the drilling technique known as
41 hydraulic fracturing in the State for the purpose of natural gas
42 exploration or production ¹for a period of 12 months from the
43 effective date of this act¹ .

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:

¹Senate amendments adopted in accordance with Governor's
recommendations January 9, 2012.

1 b. 'The Department of Environmental Protection shall conduct
2 an investigation into whether hydraulic fracturing could have or is
3 likely to have an adverse impact on air and water quality in this
4 State and report its findings to the Governor and the Legislature.

5 c.¹ As used in this act, "hydraulic fracturing" means the drilling
6 technique of expanding existing fractures or creating new fractures
7 in rock by injecting water, often with chemicals, sand, or other
8 substances, and often under pressure, into or underneath the surface
9 of the rock for purposes including, but not necessarily limited to,
10 well drilling and natural gas exploration and production. The term
11 "hydraulic fracturing" shall include "fracking," "hydrofracking,"
12 "hydrofracturing," and other colloquial terms for this drilling
13 technique.

14

15 3. This act shall take effect immediately.

[First Reprint]

ASSEMBLY, No. 575

STATE OF NEW JERSEY

215th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2012 SESSION

Sponsored by:

Assemblywoman CONNIE WAGNER
District 38 (Bergen and Passaic)
Assemblyman REED GUSCIORA
District 15 (Hunterdon and Mercer)
Assemblywoman VALERIE VAINIERI HUTTLE
District 37 (Bergen)
Assemblyman RUBEN J. RAMOS, JR.
District 33 (Hudson)

Co-Sponsored by:

Assemblymen Diegnan, Eustace, Benson, Assemblywoman Caride,
Assemblymen McKeon, Cryan, P.Barnes, III, Assemblywoman Spencer,
Assemblyman Johnson, Assemblywomen Jasey, Stender, Assemblymen
O'Donnell, Conaway, Giblin, Senators Gordon, Beck, Greenstein,
Cunningham, Lesniak, Weinberg, Bateman and Buono

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)

1 AN ACT concerning wastewater ¹, wastewater solids, sludge, drill
2 cuttings or other byproducts¹ from **["hydraulic fracturing"]** certain
3 drilling techniques¹ and supplementing P.L.1977, c.74 (C.58:10A-
4 1 et seq.).

5
6 **BE IT ENACTED** by the Senate and General Assembly of the State
7 of New Jersey:

8
9 ¹1. The Legislature finds and declares that the practice of the
10 drilling technique of hydraulic fracturing for natural gas exploration
11 and production has been found to use a variety of contaminating
12 chemicals and materials; that the drilling technique uses vast
13 quantities of water mixed with chemicals and solids pumped into
14 shale formations at high pressure to fracture the shale formations;
15 that millions of gallons of contaminated water flow back out of the
16 well; and that the companies engaging in the use of this drilling
17 technique have been less than forthcoming in revealing the
18 "cocktail" of chemicals and their concentrations and volume.

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

36 The Legislature further finds and declares that in addition to the
37 chemicals and solids used in the well drilling process, the United
38 States Environmental Protection Agency has noted that radioactive
39 materials have been found in "fairly high concentrations" in
40 hydraulic fracturing wastewater and hydraulic fracturing wastes;
41 that wastewater treatment plants are not designed to treat for
42 radioactivity; that not only does wastewater contaminated with
43 radionuclides pose a risk to public drinking water supplies if not
44 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.

1 deposits over time in equipment and pipes which would cause a
2 health risk to plant workers; and that radioactive materials, as well
3 as heavy metals and other toxic materials, present in hydraulic
4 fracturing wastewater pose a risk of contamination of the treatment
5 plant's biosolids.

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

23 The Legislature therefore determines, in light of the State's small
24 size, population density, and heavy reliance on surface waters for
25 drinking water purposes, it is prudent and in the best interest of the
26 health, safety and welfare of the people of the State of New Jersey
27 to prohibit the treatment, discharge, disposal, or storage of
28 wastewater, wastewater solids, sludge, drill cuttings or other
29 byproducts resulting from hydraulic fracturing.¹

30
31 ¹2. As used in this act, "hydraulic fracturing" means the drilling
32 technique of expanding existing fractures or creating new fractures
33 in rock by injecting water, often with chemicals, sand, or other
34 substances, and often under pressure, into or underneath the surface
35 of the rock for purposes including, but not necessarily limited to,
36 well drilling and natural gas exploration and production. The term
37 "hydraulic fracturing" shall include "fracking," "hydrofracking,"
38 "hydrofracturing," and other colloquial terms for this drilling
39 technique.¹

40
41 ¹[1. a.] ^{3.}¹ No wastewater ¹, wastewater solids, sludge, drill
42 cuttings or other byproducts¹ resulting from hydraulic fracturing for
43 the purpose of natural gas exploration or production in any state
44 may be treated, discharged, disposed of, or stored in the State.

45 ¹[b. As used in this section, "hydraulic fracturing" means the
46 drilling technique of expanding existing fractures or creating new
47 fractures in rock by injecting water, often with chemicals, sand, or

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1 other substances, and often under pressure, into or underneath the
2 surface of the rock for purposes including, but not necessarily
3 limited to, well drilling and natural gas exploration and production.
4 The term “hydraulic fracturing” shall include “fracking,”
5 “hydrofracking,” “hydrofracturing,” and other colloquial terms for
6 this drilling technique.]¹

7

8 ¹[2.] 4.¹ This act shall take effect immediately.