



A.8784 (SWEENEY, ET AL.)

Summary

This bill would establish requirements for ground and surface water testing prior to drilling for oil and natural gas. Drillers would be required to perform ground and surface water tests within a 1,000 foot radius of the wellbore and on all water wells unless the New York State Department of Environmental Conservation (DEC) determines that criteria necessitate expanding the testing radius. Water test results would be provided to landowners within the testing radius. If test results show that ground or surface waters have been contaminated due to drilling and hydro-fracturing, or that flow rates have been adversely affected, the permit holder is liable for cost of remedial action and damages resulting from the destruction of natural resources..

Explanation

Developing oil and natural gas reserves carries the inherent risk of ground and surface water contamination. Hydro-fracturing is a drilling process whereby millions of gallons of slurry are pumped into a well at high pressure to fracture the rock and release gases for easier extraction. Hydro-fracturing carries an increased risk of water contamination because during the drilling process large amounts of water mixed with chemicals—some of which are known toxins—are pumped underground and not completely recovered. In addition, the hydro-fracturing process increases the risk that oil or natural gas, as well as slurry, could migrate into subsurface water sources.

This bill will add much needed accountability for any impacts that drillers' actions may have on ground, surface and well waters within 1,000 feet of the well bore. In giving the DEC discretion to expand the testing radius and providing all landowners within the radius the testing results, the bill recognizes hydrological connections. Ground and surface waters are generally connected, and an impact on one could impact both to the detriment of nearby natural resources.

By requiring testing prior to and following drilling, and by creating the liability for injury to natural resources, this bill rightfully puts on the driller the responsibility for any damages caused.

Environmental Advocates of New York supports this bill.

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