

[First Reprint]
SENATE, No. 1041

STATE OF NEW JERSEY
216th LEGISLATURE

INTRODUCED JANUARY 30, 2014

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SYNOPSIS

Prohibits treatment, discharge, disposal, application to roadway, 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 Senate Environment and Energy Committee on March 17, 2014, with amendments.

(Sponsorship Updated As Of: 6/27/2014)

1 AN ACT concerning wastewater, wastewater solids, sludge, drill
2 cuttings and other byproducts from certain drilling techniques
3 and supplementing P.L.1977, c.74 (C.58:10A-1 et seq.).
4

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

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

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

35 The Legislature further finds and declares that in addition to the
36 chemicals and solids used in the well drilling process, the United
37 States Environmental Protection Agency has noted that radioactive
38 materials have been found in "fairly high concentrations" in
39 hydraulic fracturing wastewater and hydraulic fracturing wastes;
40 that wastewater treatment plants are not designed to treat for
41 radioactivity; that not only does wastewater contaminated with
42 radionuclides pose a risk to public drinking water supplies if not
43 properly treated, but those radioactive materials may also form
44 deposits over time in equipment and pipes which would cause a
45 health risk to plant workers; and that radioactive materials, as well

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 SEN committee amendments adopted March 17, 2014.

1 as heavy metals and other toxic materials, present in hydraulic
2 fracturing wastewater pose a risk of contamination of the treatment
3 plant's biosolids.

4 The Legislature further finds and declares that in addition to the
5 dangers and uncertainties for wastewater treatment plants, other
6 wastes from the hydraulic fracturing process such as drilling mud,
7 drill cuttings, sludge and concentrated byproducts pose a danger to
8 the environment and the health and safety of the citizens of the
9 State; that the chemical content of wastes from hydraulic fracturing
10 varies based on location of the well and the chemicals injected; that
11 the regulatory requirements for ultimate treatment and disposal of
12 such waste are not clear with regard to whether it may be disposed
13 of at a landfill or must be treated at a wastewater treatment facility;
14 that such waste has been exempted from many federal hazardous
15 waste laws even though it contains hazardous materials; ¹that the
16 high salt content of the waste poses a risk that it may be applied as a
17 road treatment to prevent icing and that such use would therefore
18 pose a danger of a release of hazardous materials into the
19 environment;¹ that the waste has been sent to landfills and
20 hazardous waste processing or recycling facilities even though some
21 of the waste contains concentrated radioactive liquids,
22 hydrocarbons and toxic pollutants; and that landfills and treatment
23 facilities in the State are not designed to accept or treat radioactive
24 materials.

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

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

42
43 3. No wastewater, wastewater solids, sludge, drill cuttings or
44 other byproducts resulting from hydraulic fracturing for the purpose
45 of natural gas exploration or production in any state may be treated,
46 discharged, disposed of, ¹applied to a roadway or otherwise
47 released into the environment,¹ or stored in the State.

- 1 4. This act shall take effect immediately.