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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)
AN ACT concerning wastewater, wastewater solids, sludge, drill
cuttings and other byproducts from certain drilling techniques
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:

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 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 for 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
deposits over time in equipment and pipes which would cause a
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.
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
high salt content of the waste poses a risk that it may be applied as a
road treatment to prevent icing and that such use would therefore
pose a danger of a release of hazardous materials into the
environment; 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, that 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.

2. 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,”
“hydofracturing,” and other colloquial terms for this drilling
technique.

3. 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, applied to a roadway or otherwise
released into the environment, or stored in the State.
4. This act shall take effect immediately.