

SENATE, No. 1041

STATE OF NEW JERSEY 216th LEGISLATURE

INTRODUCED JANUARY 30, 2014

Sponsored by:

Senator ROBERT M. GORDON

District 38 (Bergen and Passaic)

Senator CHRISTOPHER "KIP" BATEMAN

District 16 (Hunterdon, Mercer, Middlesex and Somerset)

Co-Sponsored by:

**Senators Beck, Cunningham, Greenstein, Lesniak, Pou, Rice, Singer,
B.Smith, Turner, P.Barnes, III and Weinberg**

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 introduced.



(Sponsorship Updated As Of: 2/28/2014)

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

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

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

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

35
36 3. No wastewater, wastewater solids, sludge, drill cuttings or
37 other byproducts resulting from hydraulic fracturing for the purpose
38 of natural gas exploration or production in any state may be treated,
39 discharged, disposed of, or stored in the State.

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41 4. This act shall take effect immediately.

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44 STATEMENT

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This bill prohibits, in New Jersey, the treatment, discharge,
disposal, or storage of any wastewater, wastewater solids, sludge,

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- 1 drill cuttings or other byproducts resulting from hydraulic fracturing
- 2 for the purpose of natural gas exploration or production in any state.