

[First Reprint]

**SENATE, No. 253**

**STATE OF NEW JERSEY**  
**215th LEGISLATURE**

PRE-FILED FOR INTRODUCTION IN THE 2012 SESSION

**Sponsored by:**

**Senator ROBERT M. GORDON**

**District 38 (Bergen and Passaic)**

**Senator JENNIFER BECK**

**District 11 (Monmouth)**

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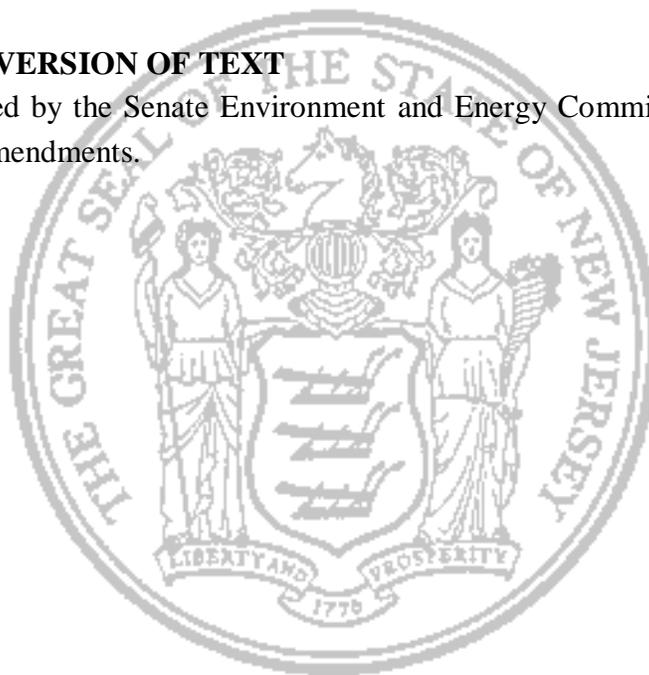
**Senators Greenstein, Cunningham, Lesniak, Weinberg, Bateman and Buono**

**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 Senate Environment and Energy Committee on June 7, 2012, with amendments.



**(Sponsorship Updated As Of: 6/19/2012)**

1 AN ACT concerning wastewater <sup>1</sup>, wastewater solids, sludge, drill  
2 cuttings and other byproducts<sup>1</sup> from certain drilling techniques  
3 and supplementing <sup>1</sup>[P.L.1985, c.432 (C.13:1M-1 et seq.)]  
4 P.L.1977, c.74 (C.58:10A-1 et seq.)<sup>1</sup> .  
5

6 **BE IT ENACTED** by the Senate and General Assembly of the State  
7 of New Jersey:  
8

9 <sup>1</sup>1. 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 or 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:

<sup>1</sup>Senate SEN committee amendments adopted June 7, 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.<sup>1</sup>

30  
31 <sup>1</sup>[1.] 2. As used in this act, “hydraulic fracturing” means the  
32 drilling technique of expanding existing fractures or creating new  
33 fractures in rock by injecting water, often with chemicals, sand, or  
34 other substances, and often under pressure, into or underneath the  
35 surface of the rock for purposes including, but not necessarily  
36 limited to, well drilling and natural gas exploration and production.  
37 The term “hydraulic fracturing” shall include “fracking,”  
38 “hydrofracking,” “hydrofracturing,” and other colloquial terms for  
39 this drilling technique.

40  
41 <sup>1</sup>[2.] 3. No wastewater <sup>1</sup>, wastewater solids, sludge, drill  
42 cuttings or other byproducts<sup>1</sup> resulting from hydraulic fracturing for  
43 the purpose of natural gas exploration or production in any state  
44 may be <sup>1</sup>[shipped or transported into, or treated in,] treated,  
45 discharged, disposed of, or stored in<sup>1</sup> the State.

46  
47 <sup>1</sup>[3.] 4. This act shall take effect immediately.