

**HOUSE . . . . . No. 788**

**The Commonwealth of Massachusetts**

PRESENTED BY:

***Denise Provost and Peter V. Kocot***

*To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:*

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act to protect our drinking water from hydraulic fracturing.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Denise Provost</i>	<i>27th Middlesex</i>	
<i>Peter V. Kocot</i>	<i>1st Hampshire</i>	<i>1/17/2013</i>
<i>John W. Scibak</i>	<i>2nd Hampshire</i>	
<i>Denise Andrews</i>	<i>2nd Franklin</i>	<i>1/30/2013</i>
<i>David M. Rogers</i>	<i>24th Middlesex</i>	<i>1/31/2013</i>
<i>Gailanne M. Cariddi</i>	<i>1st Berkshire</i>	<i>1/29/2013</i>
<i>Frank I. Smizik</i>	<i>15th Norfolk</i>	
<i>Tricia Farley-Bouvier</i>	<i>3rd Berkshire</i>	
<i>Cory Atkins</i>	<i>14th Middlesex</i>	
<i>Lori A. Ehrlich</i>	<i>8th Essex</i>	
<i>Timothy J. Toomey, Jr.</i>	<i>26th Middlesex</i>	<i>1/31/2013</i>
<i>Marjorie C. Decker</i>	<i>25th Middlesex</i>	
<i>Ellen Story</i>	<i>3rd Hampshire</i>	
<i>Kay Khan</i>	<i>11th Middlesex</i>	

**HOUSE . . . . . No. 788**

By Representatives Provost of Somerville and Kocot of Northampton, a petition (accompanied by bill, House, No. 788) of Denise Provost and others for legislation to protect drinking water from hydraulic fracturing. Environment, Natural Resources and Agriculture.

**The Commonwealth of Massachusetts**

**In the Year Two Thousand Thirteen**

An Act to protect our drinking water from hydraulic fracturing.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1 Chapter 21 of the General Laws, 2008 edition, is hereby amended:

2 SECTION 1) § 26A. Definitions

3 The following definitions are added:

4 after line 27:

5 “Fluid,” any material or substance which flows or moves whether in semi-solid, liquid,  
6 sludge, gas, or any other form or state.

7 “Gas,” all natural gas, whether hydrocarbon or nonhydrocarbon, including hydrogen  
8 sulfide, helium, carbon dioxide, nitrogen, hydrogen, casinghead gas, and all other fluid  
9 hydrocarbons not defined as oil.

10 “Hydraulic fracturing,” the process of pumping a fluid into or under the surface of the  
11 ground in order to create fractures in rock for the purpose of the production or recovery of oil or  
12 gas.

13 “Oil,” crude petroleum, oil, and all hydrocarbons, regardless of specific gravity, that are  
14 in the liquid phase in the reservoir and are produced at the wellhead in liquid form.

15 “Oil and gas,” both oil and gas, or either oil or gas, as the context may require to give  
16 effect to the purposes of this chapter.

17 in line 36 of the definition of “pollutant,” after the phrase, “heated effluent,” add the  
18 phrase, “hydraulic fracturing fluid,”

19 SECTION 2) in § 27 add, after line 83, a new subsection:

20 (14) enforce prohibitions on drilling, waste treatment and disposal, and mining activities  
21 which have been enacted to protect the water quality and the natural resources of the  
22 commonwealth

23 SECTION 3) adds a new section 39A:

24 Hydraulic Fracturing for Oil or Gas Recovery: Prohibition

25 (a) No person may engage in hydraulic fracturing in the commonwealth.

26 (b) No person may collect, store, treat, or dispose of wastewater hydraulic fracturing  
27 fluid, wastewater solids, sludge, drill

28 cuttings or other byproducts from hydraulic fracturing within the commonwealth.

29 SECTION 4) Section 42 is amended by adding, in line 3, after the phrase “the  
30 commonwealth,”

31 “or into an injection well or into a treatment works in the commonwealth.”