SENATE DOCKET, NO. 514 FILED ON: 1/15/2015

SENATE . . . . . No. 457

The Commonwealth of Massachusetts

PRESENTED BY:

Marc R. Pacheco

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 relative to a moratorium on hydraulic fracturing.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Marc R. Pacheco	*First Plymouth and Bristol*
Tricia Farley-Bouvier	*3rd Berkshire*
Mary S. Keefe	*15th Worcester*

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SENATE . . . . . No. 457

By Mr. Pacheco, a petition (accompanied by bill, Senate, No. 457) of Marc R. Pacheco, Tricia Farley-Bouvier and Mary S. Keefe for legislation relative to a moratorium on hydraulic fracturing. Environment, Natural Resources and Agriculture.

The Commonwealth of Massachusetts

In the One Hundred and Eighty-Ninth General Court
(2015-2016)

An Act relative to a moratorium on 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:

SECTION 1. Section 26A of chapter 21 of the General Laws, as appearing in the 2014 Official Edition, is hereby amended by adding, after the definition of "Effluent limitation," the following definition:-

"Fluid," means any material or substance which flows or moves whether in semi-solid, liquid, sludge, gas, or any other form or state.

SECTION 2. Said section 26A of said chapter 21, as so appearing, is hereby further amended by adding, after the definition of "FWPCA," the following definitions:-

"Gas," means all natural gas, whether hydrocarbon or nonhydrocarbon, including hydrogen sulfide, helium, carbon dioxide, nitrogen, hydrogen, casinghead gas, and all other fluid hydrocarbons not defined as oil.

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

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

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

18 SECTION 3. Said section 26A of said chapter 21, as so appearing, is hereby further
19 amended by inserting in the definition of “Pollutant” after the word “effluent,” in line 36, the
20 following words:-

21 “hydraulic fracturing fluid,”

22 SECTION 4. Section 27 of said chapter 21, as so appearing, is hereby amended by
23 inserting, after clause 13, in line 83, the following new clause:-

24 (14) Enforce prohibitions on drilling, waste treatment and disposal, and mining activities
25 which have been enacted to protect the water quality and the natural resources of the
26 commonwealth.

27 SECTION 5. Chapter 21 of the General Laws is hereby amended by inserting after
28 section 39 the following section:-

29 Section 39A. (a) For the period beginning January 1, 2017 through December 31, 2026,
30 no person may engage in hydraulic fracturing in the commonwealth.

31 (b) For the period beginning January 1, 2017 through December 31, 2026, no person may
32 collect, store, treat, or dispose of wastewater hydraulic fracturing fluid, wastewater solids, drill
33 cuttings or other byproducts from hydraulic fracturing within the commonwealth.

34 SECTION 6. Section 42 of said chapter 21, as so appearing, is hereby amended by
35 inserting after the word "commonwealth," in line 3, the following words:-

36 "or into an injection well or into a treatment works in the commonwealth."