HOUSE DOCKET, NO. 629 FILED ON: 1/13/2017

HOUSE . . . . . No. 427

The Commonwealth of Massachusetts

PRESENTED BY:

Carmine L. Gentile

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:	DATE ADDED:
Carmine L. Gentile	*13th Middlesex*	*1/13/2017*
John W. Scibak	*2nd Hampshire*	*1/13/2017*
Carolyn C. Dykema	*8th Middlesex*	*1/13/2017*
Paul Brodeur	*32nd Middlesex*	*1/13/2017*
Barbara A. L'Italien	*Second Essex and Middlesex*	*1/13/2017*
Chris Walsh	*6th Middlesex*	*1/13/2017*
Marjorie C. Decker	*25th Middlesex*	*1/13/2017*
David M. Rogers	*24th Middlesex*	*1/13/2017*
Steven Ultrino	*33rd Middlesex*	*1/13/2017*
Dylan Fernandes	*Barnstable, Dukes and Nantucket*	*1/13/2017*
Mary S. Keefe	*15th Worcester*	*2/3/2017*
Denise Provost	*27th Middlesex*	*1/13/2017*
Paul R. Heroux	*2nd Bristol*	*1/13/2017*
Michelle M. DuBois	*10th Plymouth*	*1/13/2017*

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HOUSE . . . . . No. 427

By Mr. Gentile of Sudbury, a petition (accompanied by bill, House, No. 427) of Carmine L. Gentile and others for legislation relative to a moratorium on hydraulic fracturing. Environment, Natural Resources and Agriculture.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. *457* OF 2015-2016.]

The Commonwealth of Massachusetts

In the One Hundred and Ninetieth General Court
(2017-2018)

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.

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

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

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

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

"hydraulic fracturing fluid,"

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

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

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

Section 39A. (a) For the period beginning January 1, 2018 through December 31, 2026, no person may engage in hydraulic fracturing in the commonwealth.

(b) For the period beginning January 1, 2018 through December 31, 2026, no person may collect, store, treat, or dispose of wastewater hydraulic fracturing fluid, wastewater solids, drill cuttings or other byproducts from hydraulic fracturing within the commonwealth.

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

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