SENATE APPROPRIATIONS COMMITTEE
FISCAL NOTE

BILL NO.   Senate Bill 1346   **PRINTER'S NO.**   2208

AMOUNT   **FUND**

No Fiscal Impact   General Fund

DATE INTRODUCED   **PRIME SPONSOR**

November 21, 2011   Senator Kasunic

HISTORY OF BILL

Referred to ENVIRONMENTAL RESOURCES AND ENERGY, Nov. 21, 2011
Reported as amended, May 23, 2012
First consideration, May 23, 2012
Re-referred to APPROPRIATIONS, June 20, 2012
Re-reported as committed, Oct. 2, 2012

DESCRIPTION AND PURPOSE OF BILL

The bill amends the "Environmental Good Samaritan Act" which was passed in 1999. The bill changes the definitions of "eligible land and water", "mine operator", "treated mine drainage" and "water pollution abatement facilities" so that such definitions would now include the use of acid mine water for hydraulic fracturing.

The bill provides that a landowner or mine operator who allows for the withdrawal of acid mine water, or a natural gas operator who withdraws the water, to hydraulically fracture a well, to not be deemed to assume legal responsibility or to incur liability with respect to cost, injury, or damage that arise from the use of the acid mine water, including any injury or damage suffered by a downstream riparian landowner.

The department shall review the project and approve it if the project demonstrates that the use of the acid mine water will preserve water quality and availability.

The following will not be eligible for the benefits or protections under the bill:
- a person who under existing law will be or may be responsible to reclaim the land or treat and abate the acid mine water pollution;
- a person who receives payment or some other benefit through a contract to reclaim the land or treat the acid mine water; and
- a person who through a consent order and agreement is ordered to perform or complete reclamation or treat or abate the acid mine drainage as a surety provided for the site.

FISCAL IMPACT:

The Department of environmental protection has determined that no fiscal impact will result from the passage of this bill.