

Fracking (Measurement and Regulation of Impacts) (Air, Water and Greenhouse Gas Emissions) Bill

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Require the Secretary of State to measure and regulate the impact of unconventional gas extraction on air and water quality and on greenhouse gas emissions; and for connected purposes.

BE IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1 Contamination of water

The Secretary of State must by regulations, within 12 months of this Act coming into force, make provision for—

- (a) mandatory testing for toxins in the ground water and local water supply in a given area—5
 - (i) before any fracking operations take place in that area; and
 - (ii) at least once every 3 months, or more frequently if so specified in a relevant planning consent, during fracking operations;
- (b) mandatory regular unannounced inspection of fracking sites by the Environment Agency, at intervals of no more than 6 months, to assess whether best practice standards are being followed and to confirm well casings integrity and related matters; 10
- (c) arrangements for the appropriate authorities and agencies to receive, consider and respond to complaints from local residents; and
- (d) the long-term modelling of groundwater flows at each fracking site to determine likely timeframes for the dispersal of any pollutants. 15

2 Monitoring of methane emissions

- (1) The Secretary of State must by regulations, within 12 months of this Act coming into force, empower and require the Environment Agency to establish arrangements to—20
 - (a) monitor fugitive methane emissions from fracking sites for both shale gas and shale oil;

- (b) establish a system for monitoring methane emissions from other facilities related to the compression storage and distribution of shale gas operations.
- (2) The systems under subsection (1) must incorporate continuous measurement by both ground-based light detection and ranging (LIDAR) and top-down satellite measurement. 5

3 **Control of methane emissions**

The Secretary of State must by regulations, within 12 months of this Act coming into force, prohibit –

- (a) annual total losses of methane to the atmosphere from a single operator in excess of 1 per cent of production, including exploration, extraction, storage and distribution of shale gas; 10
- (b) the venting of wells to the atmosphere during the exploratory phase, the production phase or after wells become obsolete; and
- (c) the flaring of wells. 15

4 **Disposal of waste water**

The Secretary of State must by regulations, within 6 months of this Act coming into force, make arrangements to require that –

- (a) the disposal of waste water from fracking facilities is via a licensed water treatment facility, 20
- (b) fracking waste water processes and outputs are assessed by the Environment Agency,
- (c) fracking waste water is tested for the presence of radionuclides, and
- (d) if radionuclides are found in water on a fracking site, that such water is disposed of in a water treatment, or other, facility licensed to handle radioactive waste. 25

5 **Impact on local communities**

The Secretary of State must, within 6 months of this Act coming into force, make arrangements for an independent review and report on the –

- (a) impact of fracking sites on the local community in terms of increased traffic, increased road usage and loss of amenities, and 30
- (b) physical and mental health of people living near fracking sites.

6 **Shale gas operator bond**

The Secretary of State must make arrangements by regulations to require the deposit by shale gas operators of a financial bond to guarantee – 35

- (a) *the making good of any damage to the environment, water supplies and health of the local community; and*
- (b) *the safe long-term abandonment of fracking sites, including capping and post-abandonment monitoring, in the event of the bankruptcy of an operator.*

7 **Fiscal strategy** 40

- (1) The Secretary of State must, within 6 months of this Act coming into force, make arrangements for an independent review and report on the current and

potential contribution to the delivery of climate change air quality standards of the Government's fiscal strategy in relation to unconventional gas extraction.

- (2) The report and any recommendations of the review must be laid before the House of Commons within 12 months of this Act coming into force.
- (3) The laying of the report and recommendations under subsection (2) must be accompanied by a statement by the Secretary of State responding to each proposal, if any, of the independent review under subsection (1). 5

8 Financial provisions

There is to be paid out of money provided by Parliament –

- (a) *any expenditure incurred under or by virtue of this Act by the Secretary of State, or by a Government department, and* 10
- (b) *any increase attributable to this Act in the sums payable under any other Act out of money so provided.*

9 Regulations, extent, commencement and citation

- (1) Regulations under this Act shall be made by statutory instrument and shall be subject to annulment in pursuance of a resolution of either House of Parliament. 15
- (2) This Act extends to England and Wales.
- (3) This Act comes into force on the day it is passed.
- (4) This Act may be cited as the Fracking (Measurement and Regulation of Impacts) (Air, Water and Greenhouse Gas Emissions) 2019. 20

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