S T A T E O F N E W Y O R K

8557

2011-2012 Regular Sessions

I N A S S E M B L Y

August 24, 2011

Introduced by M. of A. LIFTON -- read once and referred to the Committee on Environmental Conservation

AN ACT to amend the environmental conservation law, in relation to allowing local governments to enact or enforce certain laws and ordinances governing oil, gas and solution mining; and to repeal certain provisions of such law relating thereto

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Subdivision 2 of section 23-0303 of the environmental conservation law is REPEALED, and a new subdivision 2 is added to read as follows:

2. FOR THE PURPOSES STATED HEREIN, THIS SECTION SHALL SUPERSEDE ALL OTHER STATE AND LOCAL LAWS RELATING TO THE OIL, GAS AND SOLUTION MINING INDUSTRIES; PROVIDED, HOWEVER, THAT NOTHING IN THIS SECTION SHALL BE CONSTRUED TO PREVENT ANY LOCAL GOVERNMENT FROM:

A. ENACTING OR ENFORCING LOCAL LAWS OR ORDINANCES OF GENERAL APPLICABILITY, EXCEPT THAT SUCH LOCAL LAWS OR ORDINANCES SHALL NOT REGULATE OIL, GAS AND SOLUTION MINING REGULATED BY STATE STATUTE, REGULATION, OR PERMIT; OR

B. ENACTING OR ENFORCING LOCAL ZONING ORDINANCES OR LAWS WHICH DETERMINE PERMISSIBLE USES IN ZONING DISTRICTS. WHERE OIL, GAS AND SOLUTION MINING IS DESIGNATED A PERMISSIBLE USE IN A ZONING DISTRICT AND ALLOWED BY SPECIAL USE PERMIT, CONDITIONS PLACED ON SUCH SPECIAL USE PERMITS SHALL BE LIMITED TO THE FOLLOWING:

(I) INGRESS AND EGRESS TO PUBLIC THOROUGHFARES CONTROLLED BY THE LOCAL GOVERNMENT;

(II) ROUTING OF DRILLING AND DRILLING-RELATED TRANSPORT VEHICLES ON ROADS CONTROLLED BY THE LOCAL GOVERNMENT;

(III) REQUIREMENTS AND CONDITIONS AS SPECIFIED IN THE PERMIT ISSUED BY THE DEPARTMENT CONCERNING SETBACK FROM PROPERTY BOUNDARIES AND PUBLIC

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets [ ] is old law to be omitted.

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THOROUGHFARE RIGHTS-OF-WAY NATURAL OR MAN-MADE BARRIERS TO RESTRICT ACCESS, IF REQUIRED, DUST CONTROL AND HOURS OF OPERATION; AND

(IV) CONFORMANCE TO ROAD CONSTRUCTION STANDARDS AS MAY BE OTHERWISE PROVIDED FOR BY LOCAL LAW; OR

C. ENACTING OR ENFORCING LOCAL LAWS OR ORDINANCES REGULATING OIL, GAS AND SOLUTION MINING NOT REQUIRED TO BE PERMITTED BY THE STATE.

S 2. This act shall take effect immediately.