

5830

2011-2012 Regular Sessions

I N S E N A T E

June 20, 2011

Introduced by Sen. SEWARD -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

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:

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2 conservation law is REPEALED, and a new subdivision 2 is added to read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

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

8 A. ENACTING OR ENFORCING LOCAL LAWS OR ORDINANCES OF GENERAL APPLICA-
9 BILITY, EXCEPT THAT SUCH LOCAL LAWS OR ORDINANCES SHALL NOT REGULATE
10 OIL, GAS AND SOLUTION MINING REGULATED BY STATE STATUTE, REGULATION, OR
11 PERMIT; OR

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

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

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

21 (III) REQUIREMENTS AND CONDITIONS AS SPECIFIED IN THE PERMIT ISSUED BY
22 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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1 THOROUGHFARE RIGHTS-OF-WAY NATURAL OR MAN-MADE BARRIERS TO RESTRICT
2 ACCESS, IF REQUIRED, DUST CONTROL AND HOURS OF OPERATION; AND
3 (IV) CONFORMANCE TO ROAD CONSTRUCTION STANDARDS AS MAY BE OTHERWISE
4 PROVIDED FOR BY LOCAL LAW; OR
5 C. ENACTING OR ENFORCING LOCAL LAWS OR ORDINANCES REGULATING OIL, GAS
6 AND SOLUTION MINING NOT REQUIRED TO BE PERMITTED BY THE STATE.
7 S 2. This act shall take effect immediately.