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

6540

2011-2012 Regular Sessions

I N A S S E M B L Y

March 21, 2011

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

AN ACT to amend the environmental conservation law, in relation to requiring certificates of competence for utilization of a derrick for the purposes of hydraulic fracturing

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

Section 1. The opening paragraph of subdivision 8 of section 23-0305 of the environmental conservation law, as amended by chapter 846 of the laws of 1981, is amended and a new paragraph 1 is added to read as follows:

With respect to oil pools or fields and natural gas pools or fields, the department shall [have power to]:

1. REQUIRE THAT WITH ANY APPLICATION SUBMITTED FOR THE PURPOSE OF ACQUIRING A PERMIT TO DRILL AN OIL OR GAS WELL, WHEN SUCH DRILLING IS TO BE CONDUCTED FOR THE PURPOSE OF HYDRAULIC FRACTURING, A CERTIFICATE OF COMPETENCE BE SUBMITTED FOR EACH PERSON WHO MAY OPERATE ANY DRILLING EQUIPMENT IN CONNECTION WITH SUCH DRILLING, INCLUDING THE DERRICK, ALL PARTS AND APPURTENANCES TO SUCH STRUCTURE, AND EVERY PIECE OF APPARATUS, MACHINERY OR EQUIPMENT USED, ERECTED OR MAINTAINED FOR USE IN CONNECTION WITH DRILLING; AND PROMULGATE SUCH RULES AND REGULATIONS AS MAY BE NECESSARY WITH REGARD TO THE QUALIFICATIONS, SUBMISSIONS AND PROCEDURES REQUIRED IN ORDER FOR AN INDIVIDUAL TO ACQUIRE SUCH A CERTIFICATE OF COMPETENCE. FOR THE PURPOSES OF THIS PARAGRAPH, "HYDRAULIC FRACTURING" SHALL MEAN THE FRACTURING OF ROCK BY MAN-MADE FRACTURING TECHNIQUES FOR THE PURPOSE OF STIMULATING NATURAL GAS OR OIL WELL PRODUCTION.

S 2. Subdivision 3 of section 23-0501 of the environmental conservation law is renumbered subdivision 4 and a new subdivision 3 is added to read as follows:

3. A. IN ADDITION TO THE SUBMISSIONS REQUIRED IN ORDER TO OBTAIN A PERMIT TO DRILL AN OIL OR GAS WELL PURSUANT TO THIS SECTION OR THE RULES

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

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OR REGULATIONS OF THE DEPARTMENT, A CERTIFICATE OF COMPETENCE SHALL BE REQUIRED FOR EACH PERSON WHO MAY OPERATE ANY DRILLING EQUIPMENT FOR THE PURPOSES OF HYDRAULIC FRACTURING.

B. FOR PURPOSES OF THIS SUBDIVISION:

(1) "HYDRAULIC FRACTURING" SHALL MEAN FRACTURING OF ROCK BY MAN-MADE FRACTURING TECHNIQUES FOR THE PURPOSE OF STIMULATING NATURAL GAS OR OIL WELL PRODUCTION.

(2) "DRILLING EQUIPMENT" MEANS THE DERRICK, ALL PARTS AND APPURTENANCES TO SUCH STRUCTURE, AND EVERY PIECE OF APPARATUS, MACHINERY OR EQUIPMENT USED, ERECTED OR MAINTAINED FOR USE IN CONNECTION WITH DRILLING.

C. THE COMMISSIONER SHALL PROMULGATE SUCH RULES AND REGULATIONS THAT HE OR SHE MAY DEEM APPROPRIATE WITH REGARD TO THE QUALIFICATIONS AND SUBMISSIONS REQUIRED IN ORDER FOR AN INDIVIDUAL TO ACQUIRE SUCH A CERTIFICATE OF COMPETENCE.

S 3. This act shall take effect on the one hundred eightieth day after it shall have become a law; provided, however, that effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized and directed to be made and completed on or before such effective date.