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

2592--B

2013-2014 Regular Sessions

I N A S S E M B L Y

January 16, 2013

Introduced by M. of A. QUART, COLTON, ENGLEBRIGHT, LAVINE, SEPULVEDA, O'DONNELL, SCHIMEL, ROSENTHAL -- Multi-Sponsored by -- M. of A. GLICK, GOTTFRIED, RIVERA, THIELE -- read once and referred to the Committee on Environmental Conservation -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- recommitted to the Committee on Environmental Conservation in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the environmental conservation law, in relation to requiring the radon level of gas produced, sold, purchased, acquired, stored or injected to be tested and to prohibit certain gas from entering the distribution system

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

Section 1. Subdivision 8 of section 23-0305 of the environmental conservation law is amended by adding a new paragraph l to read as follows:

1. (1) REQUIRE GAS PRODUCED, SOLD, PURCHASED, ACQUIRED, STORED OR INJECTED IN THE STATE TO BE TESTED TO DETERMINE THE RADON LEVEL IN THE GAS.

(2) PROHIBIT ANY GAS WITH A RADON LEVEL GREATER THAN 2 PCI/L FROM ENTERING THE GAS DISTRIBUTION SYSTEM ON AND AFTER JANUARY FIRST, TWO THOUSAND FIFTEEN.

(3) REQUIRE ANY COMPANY PRODUCING, SELLING, PURCHASING, ACQUIRING, STORING OR INJECTING GAS IN THE STATE TO MONITOR THE RADON LEVEL IN SUCH GAS WITHIN THE STATE IN ACCORDANCE WITH REGULATIONS ESTABLISHED BY THE DEPARTMENT.

(I) RADON LEVELS SHALL BE MONITORED AT THE WELLHEAD IF THE GAS IS ORIGINATING WITHIN THE STATE. IF THE GAS IS NOT ORIGINATING WITHIN THE

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

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STATE, THEN MONITORING SHALL OCCUR AT THE FIRST METERING STATION OR COMPRESSOR STATION WITHIN THE STATE BORDERS.

(II) MONITORING SHALL BE CONTINUOUS AND AN AUTOMATIC SHUTDOWN PROCEDURE SHALL BE IMPLEMENTED ANY TIME THERE IS MORE THAN 2 PCI/L OF RADON IN THE GAS. ALL COMPANIES SHALL HAVE A MANUAL BACKUP SHUTDOWN PROCEDURE IN PLACE IN ADDITION TO AN AUTOMATIC SHUTDOWN PROCEDURE.

(III) ANY COMPANY PRODUCING, SELLING, PURCHASING, ACQUIRING, STORING OR INJECTING GAS IN THE STATE SHALL CERTIFY EVERY OTHER WEEK THAT SUCH COMPANY IS COMPLYING WITH THE REGULATIONS ESTABLISHED BY THE DEPARTMENT PURSUANT TO THIS SUBPARAGRAPH AND THAT GAS PRODUCED, SOLD, PURCHASED, ACQUIRED, STORED OR INJECTED WITHIN THE STATE BY SUCH COMPANY HAS NOT EXCEEDED THE RADON LIMIT.

(IV) THE DEPARTMENT SHALL AUDIT THE GAS SYSTEMS EVERY SIXTY DAYS TO ENSURE THAT COMPANIES ARE ACCURATELY MONITORING RADON LEVELS IN GAS AND COMPLYING WITH THIS SUBPARAGRAPH.

(4) ANY COMPANY WHICH PRODUCES, SELLS, PURCHASES, ACQUIRES, STORES OR INJECTS GAS IN THE STATE WHICH IS IN EXCESS OF THE RADON LIMITS SET FORTH IN THIS PARAGRAPH SHALL BE SUBJECT TO A CIVIL PENALTY OF EIGHT THOUSAND DOLLARS FOR THE FIRST OFFENSE AND AN ADDITIONAL ONE THOUSAND DOLLARS FOR EACH DAY THE GAS IS IN EXCESS OF SUCH RADON LIMITS. A SECOND VIOLATION OF THIS PARAGRAPH SHALL RESULT IN A CIVIL PENALTY OF EIGHT THOUSAND DOLLARS AND AN ADDITIONAL TWO THOUSAND DOLLARS FOR EACH DAY THE GAS IS IN EXCESS OF SUCH RADON LIMITS. ANY SUBSEQUENT VIOLATION OF THIS PARAGRAPH SHALL RESULT IN A CIVIL PENALTY OF EIGHT THOUSAND DOLLARS AND AN ADDITIONAL FIVE THOUSAND DOLLARS FOR EACH DAY THE GAS IS IN EXCESS OF SUCH RADON LIMITS.

(5) THIS PARAGRAPH SHALL NOT APPLY TO LIQUEFIED NATURAL GAS, AS SUCH GAS IS DEFINED IN SUBDIVISION ONE OF SECTION 23-1705 OF THIS ARTICLE.

S 2. Paragraph h of subdivision 8 of section 23-0305 of the environmental conservation law, as amended by chapter 846 of the laws of 1981, is amended to read as follows:

h. Require the immediate reporting of any non-routine incident including but not limited to casing and drill pipe failures, casing cement failures, fishing jobs, fires, seepages, EXCESS RADON LEVELS, blowouts and other incidents during drilling, completion, producing, plugging or replugging operations that may affect the health, safety, welfare or property of any person. The department may require the operator, or any agent thereof, to record any data which the department believes may be of subsequent use for adequate evaluation of a non-routine incident.

S 3. This act shall take effect immediately.