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

3806

2013-2014 Regular Sessions

I N  A S S E M B L Y

January 29, 2013

Introduced by M. of A. MAISEL, ENGLEBRIGHT, COLTON, ROSENTHAL, BRENNAN -- read once and referred to the Committee on Environmental Conservation

AN ACT to amend the environmental conservation law, in relation to extraction of oil and gas; and to repeal section 23-0901 of such law relating to compulsory integration and utilization in oil and natural gas pools and fields

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

Section 1. Section 23-0301 of the environmental conservation law, as amended by chapter 410 of the laws of 1987, is amended to read as follows:

S 23-0301. Declaration of policy.

[It] NOTWITHSTANDING ANY OTHER PROVISION OF THIS ARTICLE, IT is hereby declared to be in the public interest to regulate the development, production and utilization of natural resources of oil and gas in this state in such a manner as will [prevent waste] PROTECT THE ENVIRONMENT AND PUBLIC HEALTH OF THE RESIDENTS OF THE STATE, PROVIDE FOR THE DEVELOPMENT AND EXTRACTION OF OIL AND GAS IN A SOUND ENVIRONMENTAL MANNER THAT PREVENTS CONTAMINATION OF LAND AND WATER RESOURCES, AND PROVIDE FOR THE ENVIRONMENTALLY SOUND MANAGEMENT AND DISPOSAL OF WASTE PRODUCTS RESULTING FROM THESE EXTRACTION ACTIVITIES; to authorize and to provide for the operation and development of oil and gas properties in such a manner that a greater ultimate recovery of oil and gas may be had[, and] WITHOUT CREATING ADDITIONAL HARM OR CONTAMINATION TO THE ENVIRONMENT, that the correlative rights of all SURFACE LAND AND MINERAL RIGHTS owners and the rights of all persons including landowners and the general public may be fully protected[,]; TO PROVIDE FOR THE FULL INVOLVEMENT AND AUTHORITY OF LOCAL GOVERNMENT IN ALL DECISIONS RELATING TO THEIR POWERS FOR LAND USE PLANNING, ZONING, REAL PROPERTY TAXATION AND LOCAL ROADS; TO EMPOWER THE DEPARTMENT TO RETAIN JURISDICTION ONLY FOR ACTIV-

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

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ITIES DIRECTLY RELATED TO THE ON-SITE DRILLING AND EXTRACTION OF GAS AND OIL; and to provide in similar fashion for the underground storage of gas, the solution mining of salt and geothermal, stratigraphic and brine disposal wells.

S 2. Subdivision 2 of section 23-0303 of the environmental conservation law, as added by chapter 846 of the laws of 1981, is amended to read as follows:

2. The provisions of this article shall [supersede all local laws or ordinances relating to the regulation of the oil, gas and solution mining industries; but shall] not supersede local government jurisdiction over LAND USE PLANNING, ZONING, local roads or the rights of local governments under the real property tax law.

S 3. Section 23-0901 of the environmental conservation law is REPEALED.

S 4. This act shall take effect immediately.