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

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I N S E N A T E

April 6, 2016

Introduced by Sen. GRIFFO -- (at request of the Energy Research Development Authority) -- read twice and ordered printed, and when printed to be committed to the Committee on Energy and Telecommunications

AN ACT to amend the energy law, in relation to registration and reporting by major petroleum suppliers and pipeline operators

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

Section 1. The energy law is amended by adding a new article 13 to read as follows:

ARTICLE 13

REGISTRATION AND REPORTING BY MAJOR PETROLEUM SUPPLIERS AND PIPELINE OPERATORS

SECTION 13-101. DEFINITIONS.
13-103. REGISTRATION AND REPORTING REQUIREMENTS.
13-105. RULES AND REGULATIONS.
13-107. CONFIDENTIALITY.
13-109. VIOLATIONS.

S 13-101. DEFINITIONS. AS USED IN THIS ARTICLE, THE FOLLOWING TERMS SHALL HAVE THE FOLLOWING MEANINGS:

1. "AUTHORITY" MEANS THE NEW YORK STATE ENERGY RESEARCH AND DEVELOPMENT AUTHORITY.

2. "MAJOR PETROLEUM SUPPLIER" MEANS THE LICENSEE OF A MAJOR OIL STORAGE FACILITY.

3. "MAJOR OIL STORAGE FACILITY" MEANS A PETROLEUM DISTRIBUTION FACILITY WITH A MINIMUM ACTIVE STORAGE CAPACITY OF FOUR HUNDRED THOUSAND GALLONS THAT IS NOT OPEN TO THE PUBLIC, DISTRIBUTES PETROLEUM TO OTHERS FOR ULTIMATE USE, AND IS SUBJECT TO THE LICENSING REQUIREMENTS OF SECTION ONE HUNDRED SEVENTY-FOUR OF THE NAVIGATION LAW.

4. "PETROLEUM PRODUCT PIPELINE" MEANS A SYSTEM THAT TRANSPORTS PETROLEUM PRODUCTS FROM REFINERIES, BULK TERMINALS, OR MARINE FACILITIES TO OTHER TERMINALS OR TO INTERCONNECTIONS WITH OTHER PIPELINES WITHIN NEW YORK STATE.

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

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5. "PETROLEUM PRODUCT PIPELINE OPERATOR" MEANS THE PERSON RESPONSIBLE FOR THE OPERATION OF A PETROLEUM PRODUCT PIPELINE LOCATED IN NEW YORK STATE.

6. "PETROLEUM" MEANS OIL OR REFINED PRODUCT OF ANY KIND AND IN ANY FORM INCLUDING, BUT NOT LIMITED TO, CRUDE OR UNREFINED OIL, GASOLINE COMPONENTS (INCLUDING ETHANOL), DISTILLATES INCLUDING PRODUCTS USED FOR TRANSPORTATION OR SPACE HEATING AND WATER HEATING, KEROSENE, PROPANE OF ANY FEEDSTOCK DERIVATION, AND RESIDUAL OILS INCLUDING FUEL OIL FOR ELECTRIC GENERATION FACILITIES.

S 13-103. REGISTRATION AND REPORTING REQUIREMENTS. 1. REGISTRATION REQUIREMENTS. (A) ON OR BEFORE OCTOBER FIRST, TWO THOUSAND SIXTEEN, EACH MAJOR PETROLEUM SUPPLIER SHALL FILE A REGISTRATION STATEMENT WITH THE AUTHORITY CONTAINING SUCH INFORMATION AND IN SUCH FORM AS PRESCRIBED BY THE AUTHORITY, INCLUDING, BUT NOT LIMITED TO FACILITY NAME, PHYSICAL AND MAILING ADDRESSES, FACILITY LICENSE IDENTIFICATION NUMBER, NAME OF LICENSEE, LIST OF ACTIVE STORAGE TANKS WITH CAPACITIES AND TYPICAL CONTENTS, AND A DESCRIPTION OF THE MODES OF TRANSPORTATION AVAILABLE FOR DELIVERING PETROLEUM TO AND FROM THE FACILITY. THE REGISTRATION STATEMENT MUST ALSO INCLUDE E-MAIL AND TELEPHONE CONTACT INFORMATION WHERE THE SUPPLIER CAN BE CONTACTED IN THE EVENT OF AN ENERGY OR FUEL SUPPLY EMERGENCY. THIS INFORMATION SHALL BE KEPT CURRENT AT ALL TIMES. ANY MAJOR PETROLEUM SUPPLIER THAT COMMENCES OPERATIONS AFTER OCTOBER FIRST, TWO THOUSAND SIXTEEN SHALL FILE A REGISTRATION STATEMENT WITHIN THIRTY DAYS OF COMMENCING OPERATIONS.

(B) ON OR BEFORE OCTOBER FIRST, TWO THOUSAND SIXTEEN, EACH PETROLEUM PRODUCT PIPELINE OPERATOR SHALL FILE A REGISTRATION STATEMENT WITH THE AUTHORITY CONTAINING SUCH INFORMATION AND IN SUCH FORM AS PRESCRIBED BY THE AUTHORITY, INCLUDING, BUT NOT LIMITED TO OPERATOR NAME, REPRESENTATIVE'S NAME, MAILING ADDRESS, EMERGENCY CONTACT INFORMATION INCLUDING PHONE NUMBER AND E-MAIL ADDRESS, MAP SHOWING THE LOCATION OF THE PIPELINE UNDER THE OPERATOR'S CONTROL WITHIN NEW YORK STATE, PIPELINE FLOW CAPACITIES, TYPICAL PETROLEUM PRODUCT TYPES TRANSPORTED, TYPICAL QUANTITIES TRANSPORTED PER YEAR, AND DELIVERY POINTS. ANY PETROLEUM PRODUCT PIPELINE OPERATOR THAT COMMENCES OPERATIONS AFTER OCTOBER FIRST, TWO THOUSAND SIXTEEN SHALL FILE A REGISTRATION STATEMENT WITHIN THIRTY DAYS OF COMMENCING OPERATIONS.

2. ANNUAL REPORTING REQUIREMENTS. (A) ON OR BEFORE FEBRUARY FIRST, TWO THOUSAND SEVENTEEN AND EACH FEBRUARY FIRST THEREAFTER EACH MAJOR PETROLEUM SUPPLIER SHALL FILE A REPORT WITH THE AUTHORITY FOR THE PRIOR CALENDAR YEAR CONTAINING SUCH INFORMATION AND IN SUCH FORM AS PRESCRIBED BY THE AUTHORITY, INCLUDING, BUT NOT LIMITED TO, ACTIVE TANKS AND CAPACITIES; PETROLEUM PRODUCT TYPES; ORIGINATION POINTS; DELIVERY POINTS; THROUGHPUT BY PETROLEUM PRODUCT TYPE; MODAL TRANSPORTATION CAPABILITIES; BACKUP POWER CAPABILITY; AND DISPENSING CAPABILITY.

(B) ON OR BEFORE FEBRUARY FIRST, TWO THOUSAND SEVENTEEN AND EACH FEBRUARY FIRST THEREAFTER EACH PETROLEUM PRODUCT PIPELINE OPERATOR SHALL FILE A REPORT WITH THE AUTHORITY FOR THE PRIOR CALENDAR YEAR CONTAINING SUCH INFORMATION AND IN SUCH FORM AS PRESCRIBED BY THE AUTHORITY, INCLUDING, BUT NOT LIMITED TO, OPERATIONAL STATUS, PIPELINE FLOW CAPACITIES, TYPICAL PETROLEUM PRODUCT TYPES TRANSPORTED, TYPICAL QUANTITIES TRANSPORTED PER YEAR, AND DELIVERY POINTS.

3. QUARTERLY REPORTING REQUIREMENTS. (A) ON OR BEFORE THIRTY DAYS FOLLOWING THE END OF EACH CALENDAR QUARTER, EACH MAJOR PETROLEUM SUPPLIER SHALL FILE A REPORT WITH THE AUTHORITY CONTAINING SUCH INFORMATION AND IN SUCH FORM AS PRESCRIBED BY THE AUTHORITY, INCLUDING, BUT NOT LIMITED TO, PETROLEUM PRODUCT TYPES AND QUANTITIES RECEIVED AND DISTRIB-

UTED; FUEL VOLUMES DELIVERED OR DISTRIBUTED SPECIFIC TO FUEL TYPE, ORIGINATION AND DELIVERY POINTS, AND MODE OF TRANSPORTATION; OPERATIONAL STATUS; CURRENT INVENTORY; AND FACILITY CHANGES FROM THE INFORMATION PROVIDED IN THE MOST RECENT ANNUAL REPORT.

(B) ON OR BEFORE THIRTY DAYS FOLLOWING THE END OF EACH CALENDAR QUARTER, EACH PETROLEUM PRODUCT PIPELINE OPERATOR SHALL FILE A REPORT WITH THE AUTHORITY FOR THE PRIOR CALENDAR QUARTER CONTAINING SUCH INFORMATION AND IN SUCH FORM AS PRESCRIBED BY THE AUTHORITY, INCLUDING, BUT NOT LIMITED TO, OPERATIONAL STATUS, PIPELINE FLOW CAPACITIES, VOLUMES OF PETROLEUM PRODUCT TYPES TRANSPORTED, AND DELIVERY POINTS.

4. REPORTING REQUIREMENTS IN THE EVENT OF AN ENERGY OR FUEL SUPPLY EMERGENCY. (A) IN THE EVENT OF A DECLARATION BY THE GOVERNOR OF AN ENERGY OR FUEL SUPPLY EMERGENCY PURSUANT TO SECTION 5-117 OF THIS CHAPTER, EACH MAJOR PETROLEUM SUPPLIER SHALL FILE A REPORT WITH THE AUTHORITY AT LEAST DAILY, CONTAINING SUCH INFORMATION AND IN SUCH FORM AS PRESCRIBED BY THE AUTHORITY, INCLUDING, BUT NOT LIMITED TO, PETROLEUM PRODUCT INVENTORIES; OPERATIONAL STATUS; STATUS OF ACCESS TO THE FACILITY; AND FACILITY OPERATIONS CHANGES FROM THE INFORMATION PROVIDED IN THE SUPPLIER'S MOST RECENT REPORT. IN ADDITION, IN THE EVENT OF SUCH EMERGENCY, THE SUPPLIER SHALL BE AVAILABLE TO IMMEDIATELY RESPOND TO INQUIRIES FROM THE AUTHORITY BY E-MAIL AND/OR TELEPHONE AT THE E-MAIL ADDRESS OR TELEPHONE NUMBER PROVIDED IN ITS REGISTRATION STATEMENT.

(B) IN THE EVENT OF A DECLARATION BY THE GOVERNOR OF AN ENERGY OR FUEL SUPPLY EMERGENCY PURSUANT TO SECTION 5-117 OF THIS CHAPTER, EACH PETROLEUM PRODUCT PIPELINE OPERATOR SHALL FILE A REPORT WITH THE AUTHORITY AT LEAST DAILY, CONTAINING SUCH INFORMATION AND IN SUCH FORM AS PRESCRIBED BY THE AUTHORITY, INCLUDING, BUT NOT LIMITED TO, PIPELINE OPERATIONAL STATUS AND PRODUCT CURRENTLY BEING TRANSPORTED.

S 13-105. RULES AND REGULATIONS. THE AUTHORITY MAY PROMULGATE SUCH RULES AND REGULATIONS AS IT DEEMS NECESSARY OR CONVENIENT TO CARRY OUT THE PURPOSES OF THIS ARTICLE.

S 13-107. CONFIDENTIALITY. NO INFORMATION SUBMITTED TO THE AUTHORITY UNDER THIS ARTICLE SHALL BE PUBLICLY DIVULGED BY AUTHORITY EMPLOYEES OR OFFICERS, AND ALL SUCH INFORMATION SHALL BE EXEMPT FROM DISCLOSURE PURSUANT TO PARAGRAPHS (D) AND (F) OF SUBDIVISION TWO OF SECTION EIGHTY-SEVEN OF THE PUBLIC OFFICERS LAW SINCE DISCLOSURE OF ANY SUCH INFORMATION COULD ENDANGER THE LIFE OR SAFETY OF ANY PERSON AND ARE TRADE SECRETS, PROVIDED, HOWEVER, THAT SUCH INFORMATION MAY BE MADE AVAILABLE TO ANY NEW YORK STATE ENTITY AS MAY BE DEEMED NECESSARY AND APPROPRIATE BY THE PRESIDENT OF THE AUTHORITY, WHICH ENTITY SHALL PROVIDE AT LEAST EQUAL PROTECTIONS TO SUCH INFORMATION.

S 13-109. VIOLATIONS. 1. ANY PERSON WHO VIOLATES ANY PROVISION OF THIS ARTICLE OR ANY RULE, REGULATION OR ORDER ISSUED PURSUANT THERETO SHALL BE LIABLE TO THE PEOPLE OF THE STATE FOR A CIVIL PENALTY IN AN AMOUNT OF NOT MORE THAN TEN THOUSAND DOLLARS FOR EVERY SUCH VIOLATION, PER DAY.

2. THE PENALTY PROVIDED IN SUBDIVISION ONE OF THIS SECTION SHALL BE RECOVERED IN AN ACTION OR SPECIAL PROCEEDING BROUGHT BY THE ATTORNEY GENERAL AT THE REQUEST AND IN THE NAME OF THE PRESIDENT OF THE AUTHORITY IN ANY COURT OF COMPETENT JURISDICTION.

3. ALTERNATIVELY, OR IN ADDITION TO THE ACTION OR PROCEEDING TO RECOVER THE CIVIL PENALTY PROVIDED IN SUBDIVISION ONE OF THIS SECTION, THE ATTORNEY GENERAL, UPON THE REQUEST OF THE PRESIDENT OF THE AUTHORITY, MAY INSTITUTE AN ACTION OR PROCEEDING TO ENJOIN ANY VIOLATION OF OR TO ENFORCE ANY PROVISION OF THIS ARTICLE OR ANY RULE, REGULATION OR ORDER ISSUED PURSUANT THERETO.

4. ANY ACTION OR PROCEEDING COMMENCED TO RECOVER A PENALTY MAY BE SETTLED OR DISCONTINUED BY THE ATTORNEY GENERAL WITH THE CONSENT OF THE PRESIDENT OF THE AUTHORITY.

S 2. This act shall take effect immediately.