

STATE OF NEW YORK

4950

2023-2024 Regular Sessions

IN ASSEMBLY

February 27, 2023

Introduced by M. of A. KELLES, COLTON, LAVINE, L. ROSENTHAL, DeSTEFANO
-- Multi-Sponsored by -- M. of A. GLICK -- read once and referred to
the Committee on Environmental Conservation

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 Assem-
bly, do enact as follows:

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

4 (1) Require gas produced, sold, purchased, acquired, stored or
5 injected in the state to be tested to determine the radon level in the
6 gas.

7 (2) Prohibit any gas with a radon level greater than 2 pCi/L from
8 entering the gas distribution system on and after January first, two
9 thousand twenty-four.

10 (3) Require any company producing, selling, purchasing, acquiring,
11 storing or injecting gas in the state to monitor the radon level in such
12 gas within the state in accordance with regulations established by the
13 department.

14 (i) Radon levels shall be monitored at the wellhead if the gas is
15 originating within the state. If the gas is not originating within the
16 state, then monitoring shall occur at the first metering station or
17 compressor station within the state borders.

18 (ii) Monitoring shall be continuous and an automatic shutdown proce-
19 dure shall be implemented any time there is more than 2 pCi/L of radon
20 in the gas. All companies shall have a manual backup shutdown procedure
21 in place in addition to an automatic shutdown procedure.

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

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1 (iii) Any company producing, selling, purchasing, acquiring, storing
2 or injecting gas in the state shall certify every other week that such
3 company is complying with the regulations established by the department
4 pursuant to this subparagraph and that gas produced, sold, purchased,
5 acquired, stored or injected within the state by such company has not
6 exceeded the radon limit.

7 (iv) The department shall audit the gas systems every sixty days to
8 ensure that companies are accurately monitoring radon levels in gas and
9 complying with this subparagraph.

10 (4) Any company which produces, sells, purchases, acquires, stores or
11 injects gas in the state which is in excess of the radon limits set
12 forth in this paragraph shall be subject to a civil penalty of eight
13 thousand dollars for the first offense and an additional one thousand
14 dollars for each day the gas is in excess of such radon limits. A second
15 violation of this paragraph shall result in a civil penalty of eight
16 thousand dollars and an additional two thousand dollars for each day the
17 gas is in excess of such radon limits. Any subsequent violation of this
18 paragraph shall result in a civil penalty of eight thousand dollars and
19 an additional five thousand dollars for each day the gas is in excess
20 of such radon limits.

21 (5) This paragraph shall not apply to liquefied natural gas, as such
22 gas is defined in subdivision one of section 23-1705 of this article.

23 § 2. Paragraph h of subdivision 8 of section 23-0305 of the environ-
24 mental conservation law, as amended by chapter 846 of the laws of 1981,
25 is amended to read as follows:

26 h. Require the immediate reporting of any non-routine incident includ-
27 ing but not limited to casing and drill pipe failures, casing cement
28 failures, fishing jobs, fires, seepages, excess radon levels, blowouts
29 and other incidents during drilling, completion, producing, plugging or
30 replugging operations that may affect the health, safety, welfare or
31 property of any person. The department may require the operator, or any
32 agent thereof, to record any data which the department believes may be
33 of subsequent use for adequate evaluation of a non-routine incident.

34 § 3. This act shall take effect immediately.