STATE OF NEW YORK

8060

IN SENATE

January 5, 2024

Introduced by Sen. HARCKHAM -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

AN ACT to amend the environmental conservation law and a chapter of the laws of 2023 amending the environmental conservation law relating to exempting certain geothermal boreholes at depths beyond five hundred feet from certain requirements, as proposed in legislative bills numbers S. 6604 and A. 6949, in relation to regulation of certain closed-loop boreholes installed for the purpose of facilitating a geothermal heating or cooling system

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Subdivisions 4 and 5 of section 1 of a chapter of the laws of 2023 amending the environmental conservation law relating to exempting certain geothermal boreholes at depths beyond five hundred feet from certain requirements, as proposed in legislative bills numbers S. 6604 and A. 6949, are amended to read as follows:

4. [~~Extension of the~~] Appropriate permitting rules [~~currently applied to closed-loop geothermal systems less than five hundred feet deep to~~] for closed-loop geothermal boreholes deeper than five hundred feet will reduce the cost of meeting New York state's building decarbonization requirements by nearly $9.9 billion by 2050; reduce the cost of meeting the state's goal of electrifying one million homes by 2030 by approximately $900 million; and reduce the cost of electrifying 85% of the state's building stock by approximately $9 billion between 2030 and 2050, in 2023 dollars. In nominal dollars, the total cost savings increase to $16.3 billion by 2050.

5. [~~Extension of the~~] Appropriate permitting rules [~~currently applied to closed-loop geothermal systems less than five hundred feet deep to such~~] for facilitating closed-loop geothermal boreholes deeper than five hundred feet will obviate unnecessary technical and permitting barriers, open new markets to clean heating and cooling technologies in densely populated regions, and enable drastically increased leverage of federal funding to meet New York state's emissions reductions targets.

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

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§ 2. Section 23-0305 of the environmental conservation law is amended by adding a new subdivision 15 to read as follows:

15. The department is authorized to regulate for the purposes of protecting natural resources and the environment or public health and safety, closed-loop boreholes deeper than five hundred feet below the earth's surface installed for the purpose of facilitating a geothermal heating or cooling system and no later than December thirty-first, two thousand twenty-four shall promulgate regulations relating to such boreholes, and may update such regulations from time to time. When regulating such closed-loop boreholes, the department shall consider relevant prevailing industry standards.

§ 3. Section 23-1903 of the environmental conservation law is amended by adding a new subdivision 3 to read as follows:

3. The department shall have the authority to establish reasonable fees by rule for closed-loop boreholes deeper than five hundred feet below the earth's surface pursuant to subdivision fifteen of section 23-0305 of this article to be credited to the oil and gas account established under chapter fifty-eight of the laws of nineteen hundred eighty-two for the purposes of environmental protection or greenhouse gas emission reduction.

§ 4. This act shall take effect immediately, provided however section one of this act shall take effect on the same date and in the same manner as a chapter of the laws of 2023 amending the environmental conservation law relating to exempting certain geothermal boreholes at depths beyond five hundred feet from certain requirements, as proposed in legislative bills numbers S. 6604 and A. 6949, takes effect.