

STATE OF NEW YORK

10203

IN ASSEMBLY

May 10, 2024

Introduced by COMMITTEE ON RULES -- (at request of M. of A. Burdick) --
(at request of the Energy Research Development Authority) -- read once
and referred to the Committee on Energy

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:

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

ARTICLE 13

REGISTRATION AND REPORTING BY MAJOR PETROLEUM SUPPLIERS AND PIPELINE OPERATORS

3 Section 13-101. Definitions.

4 13-102. Registration and reporting requirements.

5 13-103. Rules and regulations.

6 13-104. Confidentiality.

7 13-105. Violations.

8 § 13-101. Definitions. As used in this article, the following terms
9 shall have the following meanings:

10 1. "Authority" means the New York state energy research and develop-
11 ment authority.

12 2. "Major petroleum supplier" means the licensee of a major oil stor-
13 age facility.

14 3. "Major oil storage facility" means a petroleum distribution facili-
15 ty with a minimum active storage capacity of four hundred thousand
16 gallons that is not open to the public, distributes petroleum to others
17 for ultimate use, and is subject to the licensing requirements of
18 section one hundred seventy-four of the navigation law. This definition
19 shall not include retail oil providers, as defined in this section.

20 4. "Petroleum product pipeline" means a system that transports petro-
21 leum products from refineries, bulk terminals, or marine facilities to
22 other terminals or to interconnections with other pipelines within New
23 York state.

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

26 LBD14688-01-4

1 5. "Petroleum product pipeline operator" means the person responsible
2 for the operation of a petroleum product pipeline located in New York
3 state.

4 6. "Petroleum" means oil or refined product of any kind and in any
5 form including, but not limited to, crude or unrefined oil, gasoline
6 components (including ethanol), distillates including products used for
7 transportation or space heating and water heating, kerosene, propane of
8 any feedstock derivation, and residual oils including fuel oil for elec-
9 tric generation facilities.

10 7. "Retail oil provider" means a company, corporation, joint venture
11 or business organization of any form which engages in the direct sale of
12 home heating oil directly to consumers and retains an active storage
13 capacity of at least one thousand five hundred gallons in association
14 with their business.

15 § 13-102. Registration and reporting requirements. 1. Registration
16 requirements. (a) On or before October first, two thousand twenty-four,
17 each major petroleum supplier shall file a registration statement with
18 the authority containing such information and in such form as prescribed
19 by the authority, including, but not limited to facility name, physical
20 and mailing addresses, facility license identification number, name of
21 licensee, list of active storage tanks with capacities and typical
22 contents, and a description of the modes of transportation available for
23 delivering petroleum to and from the facility. The registration state-
24 ment must also include e-mail and telephone contact information where
25 the supplier can be contacted in the event of an energy or fuel supply
26 emergency. This information shall be kept current at all times. Any
27 major petroleum supplier that commences operations after October first,
28 two thousand twenty-four shall file a registration statement within
29 thirty days of commencing operations.

30 (b) On or before October first, two thousand twenty-four, each petro-
31 leum product pipeline operator shall file a registration statement with
32 the authority containing such information and in such form as prescribed
33 by the authority, including, but not limited to operator name, represen-
34 tative's name, mailing address, emergency contact information including
35 phone number and email address, map showing the location of the pipeline
36 under the operator's control within New York state, pipeline flow capac-
37 ities, typical petroleum product types transported, typical quantities
38 transported per year, and delivery points. Any petroleum product pipe-
39 line operator that commences operations after October first, two thou-
40 sand twenty-four shall file a registration statement within thirty days
41 of commencing operations.

42 2. Annual reporting requirements. (a) On or before February first, two
43 thousand twenty-five and continuing on or before every February first
44 thereafter, each major petroleum supplier shall file a report with the
45 authority for the prior calendar year containing such information and in
46 such form as prescribed by the authority, including, but not limited to,
47 active tanks and capacities; petroleum product types; origination
48 points; delivery points; throughput by petroleum product type; modal
49 transportation capabilities; backup power capability; and dispensing
50 capability.

51 (b) On or before February first, two thousand twenty-five and continu-
52 ing on or before every February first thereafter each petroleum product
53 pipeline operator shall file a report with the authority for the prior
54 calendar year containing such information and in such form as prescribed
55 by the authority, including, but not limited to, operational status,

1 pipeline flow capacities, typical petroleum product types transported,
2 typical quantities transported per year, and delivery points.

3 3. Quarterly reporting requirements. (a) Within thirty days of the end
4 of each calendar quarter, each major petroleum supplier shall file a
5 report with the authority containing such information and in such form
6 as prescribed by the authority, including, but not limited to, petroleum
7 product types and quantities received and distributed; fuel volumes
8 delivered or distributed specific to fuel type, origination and delivery
9 points, and mode of transportation; operational status; current invento-
10 ry; and facility changes from the information provided in the most
11 recent annual report.

12 (b) Within thirty days of the end of each calendar quarter, each
13 petroleum product pipeline operator shall file a report with the author-
14 ity for the prior calendar quarter containing such information and in
15 such form as prescribed by the authority, including, but not limited to,
16 operational status, pipeline flow capacities, volumes of petroleum prod-
17 uct types transported, and delivery points.

18 4. Reporting requirements in the event of an energy or fuel supply
19 emergency. (a) In the event of a declaration by the governor of an ener-
20 gy or fuel supply emergency pursuant to section 5-117 of this chapter,
21 each major petroleum supplier shall file a report with the authority at
22 least daily, containing such information and in such form as prescribed
23 by the authority, including, but not limited to, petroleum product
24 inventories; operational status; status of access to the facility; and
25 facility operations changes from the information provided in the suppli-
26 er's most recent report. In addition, in the event of such emergency,
27 the supplier shall be available to immediately respond to inquiries from
28 the authority by e-mail and/or telephone at the e-mail address or tele-
29 phone number provided in its registration statement.

30 (b) In the event of a declaration by the governor of an energy or fuel
31 supply emergency pursuant to section 5-117 of this chapter, each petro-
32 leum product pipeline operator shall file a report with the authority at
33 least daily, containing such information and in such form as prescribed
34 by the authority, including, but not limited to, pipeline operational
35 status and product currently being transported.

36 5. Winter seasonal reporting requirements. (a) Beginning in two thou-
37 sand twenty-four and continuing during the prescribed time period of
38 each year thereafter, each major petroleum supplier and each retail oil
39 provider shall provide the authority with a weekly report detailing
40 winter fuels availability and supply tracking, in a form prescribed by
41 the authority, beginning on the first calendar day of September and
42 lasting through the last calendar day of March of the following year.
43 Suppliers and providers will provide reporting information relevant to
44 subdivision one of this section.

45 (b) The information provided to the authority during the weekly
46 reporting period described above will include but is not limited to,
47 petroleum product types and quantities received and distributed; fuel
48 volumes delivered or distributed specific to fuel type, origination and
49 delivery points, and mode of transportation; operational status;
50 projected fuel supply availability and concerns through winter current
51 inventory; and facility changes from the information provided in the
52 most recent quarterly report. Information will be obtained regarding
53 readiness of the fuel supply for winter and suppliers will notify the
54 authority of any concerns during the reporting period.

1 § 13-103. Rules and regulations. The authority may promulgate such
2 rules and regulations as it deems necessary or convenient to carry out
3 the purposes of this article.

4 § 13-104. Confidentiality. Except as otherwise authorized or required
5 by state or federal statute or regulation, information submitted to the
6 authority pursuant to this article shall be exempt from disclosure
7 pursuant to paragraph (d) of subdivision two of section eighty-seven of
8 the public officers law since such information is a trade secret,
9 provided, however, that such information may be made available to any
10 New York state entity as may be deemed necessary and appropriate by the
11 president of the authority, which entity shall provide at least equal
12 protections to such information.

13 § 13-105. Violations. 1. Any person who violates section 13-102 of
14 this article or any rule, regulation or order issued pursuant thereto
15 shall be liable to the people of the state for a civil penalty in an
16 amount of not more than ten thousand dollars for every such violation,
17 per day.

18 2. The penalty provided in subdivision one of this section shall be
19 recovered in an action or special proceeding brought by the attorney
20 general at the request and in the name of the president of the authority
21 in any court of competent jurisdiction.

22 3. Alternatively, or in addition to the action or proceeding to
23 recover the civil penalty provided in subdivision one of this section,
24 the attorney general, upon the request of the president of the authori-
25 ty, may institute an action or proceeding to enjoin any violation of or
26 to enforce any provision of this article or any rule, regulation or
27 order issued pursuant thereto.

28 4. Any action or proceeding commenced to recover a penalty may be
29 settled or discontinued by the attorney general with the consent of the
30 president of the authority. Any fees, penalties or settlement funds
31 shall be deposited in a segregated account pursuant to section eighteen
32 hundred fifty-nine of the public authorities law to be used for adminis-
33 tration and operations to support carrying out this section.

34 § 2. This act shall take effect immediately.