

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:

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

6 4. [~~Extension of the~~ Appropriate permitting rules [~~currently applied~~
7 ~~to closed-loop geothermal systems less than five hundred feet deep to~~
8 for closed-loop geothermal boreholes deeper than five hundred feet will
9 reduce the cost of meeting New York state's building decarbonization
10 requirements by nearly \$9.9 billion by 2050; reduce the cost of meeting
11 the state's goal of electrifying one million homes by 2030 by approxi-
12 mately \$900 million; and reduce the cost of electrifying 85% of the
13 state's building stock by approximately \$9 billion between 2030 and
14 2050, in 2023 dollars. In nominal dollars, the total cost savings
15 increase to \$16.3 billion by 2050.

16 5. [~~Extension of the~~ Appropriate permitting rules [~~currently applied~~
17 ~~to closed-loop geothermal systems less than five hundred feet deep to~~
18 ~~such~~ for facilitating closed-loop geothermal boreholes deeper than five
19 hundred feet will obviate unnecessary technical and permitting barriers,
20 open new markets to clean heating and cooling technologies in densely
21 populated regions, and enable drastically increased leverage of federal
22 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.

LBD10951-03-4

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

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

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

14 3. The department shall have the authority to establish reasonable
15 fees by rule for closed-loop boreholes deeper than five hundred feet
16 below the earth's surface pursuant to subdivision fifteen of section
17 23-0305 of this article to be credited to the oil and gas account estab-
18 lished under chapter fifty-eight of the laws of nineteen hundred eight-
19 y-two for the purposes of environmental protection or greenhouse gas
20 emission reduction.

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