

Article 23 is the entire oil and gas law, which has been amended multiple times. **A good legislative history of early amendments to Art. 23 is contained in the 1992 GEIS.** Using this legislative history and other sources, I have prepared a time line of amendments to the NY oil and gas laws. Here is the latest version.

### **NYS Gas Regulation Timeline**

**1821** – First successful gas well drilled in Fredonia, NY

**1858** – Fredonia Gas Light Company formed, first US natural gas company

**1860s** – First oil wells drilled in New York

**1865** – New York enacts legislation to control the location and amount of crude oil that can be stored

**1878** – New York enacts legislation to give pipeline corporations the right to take land for pipelines after payment of compensation

**1879** – New York enacts legislation to require plugging of abandoned wells to prevent freshwater contamination by oil and gas

**1882** – Amendments require a wooden freshwater and surface plug in addition to a zone plug, levy a \$200 to \$500 fine and impose a maximum jail sentence of one year on operators who abandoned a well without plugging it. Half of the fine given to the informer of the violation

**1895** – Fisheries, Game and Forest Commission established

**1907** – New York Public Service Commission established and given the power to set natural gas rates

**1933** – Legislation to allow leasing of state lands for oil and gas drilling enacted

**1941** – New York enacts the Interstate Compact to Conserve Oil and Gas, joining the compact enacted into federal law in 1935

**1961** – Delaware River Basin Compact becomes state and federal law

**1963** – New York enacts comprehensive oil and gas law. All previous oil and gas legislation repealed. Law regulates well spacing, wasting oil and gas, flaring gas, and protecting surface and groundwater supplies. Initiates forced pooling, called compulsory integration. Enables state to obtain geologic information and require ownership records

**1966** – Minerals Division begins collecting oil and gas production data. Estimated that 40,000 wells were drilled prior to 1966

**1969** – Federal NEPA enacted eff. 1/1/70

**1970** – NYS Conservation Department changed to Department of Environmental Conservation (DEC)

**1970** – Susquehanna River Basin Compact signed into law effective 1/23/71

**1972** – New York oil and gas law recodified

**1972** – DEC issues regulations implementing the oil and gas law. For the most part, these regulations currently in

effect.

**1972** – Federal Clean Water Act enacted

**1975** – New York Freshwater Wetlands Act enacted

**1975** – New York State Environmental Quality Review Act (SEQRA) enacted

**1975** – NYS receives authority to issue State Pollutant Discharge Elimination System permits under Federal Clean Water Act

**1981** – Amendments to oil and gas law enacted. Exemption from spacing requirements for fields discovered, developed and operated prior to 1/1/81. Permit fees increased. DEC required to promulgate new bonding regulations. Criminal penalties added. Oil, Gas and Solution Mining Advisory Board created. Local government powers to regulate oil and gas operations restricted

**1986** – New York enacts Low-Level Radioactive Waste Law

**1986** – DEC adopts new regulations for oil and gas wells operating in the Bass Island trend, which is radioactive

**1987** – Amendments to the Oil, Gas and Solution Mining Law extend its scope to include geothermal, stratigraphic and brine disposal wells deeper than 500 ft. Clarifies DMN's existing authority to regulate their drilling and plugging of brine disposal wells. Operation of brine disposal wells continues to be handled under the Division of Water's State Pollutant Discharge Elimination System (SPDES) Permit Program

**1988** – DEC issues Draft Generic Environmental Impact Statement (DGEIS) for oil and gas proposing to regulate all oil and gas wells in the state through a single EIS review. Notes that the State's oil, gas, solution mining and gas storage regulations have not been updated since 1972 and states that "extensive regulatory revisions are needed"

**1992** – DEC issues Final EIS for all oil and gas wells in state. DEC as lead agency finds that goals of SEQRA will be best fulfilled by continuation of existing program among alternatives of prohibiting entirely, continuing current regulations or eliminating regulation. No new regulations adopted despite statements in 1998 DGEIS

**2005** – Oil and gas law amended to increase financial security requirements, and change well spacing, voluntary integration and compulsory integration requirements

**2008** – Spacing rules again amended to address the spacing of horizontally drilled wells and to decrease the setback for smaller units. Governor signs legislation and issues moratorium on Well Permit Issuance for Horizontal Drilling and High-Volume Hydraulic Fracturing to Develop the Marcellus Shale and Other Low-Permeability Gas Reservoirs while new regulatory requirements developed

**2008** – Great Lakes Compact becomes state and federal law

**2009** - DEC issues Draft Supplemental Generic Environmental Impact Statement (DSGEIS) on Well Permit Issuance for Horizontal Drilling and High-Volume Hydraulic Fracturing to Develop the Marcellus Shale and Other Low-Permeability Gas Reservoirs, which proposes changes in the permit requirements for certain types of gas wells

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