

NEW YORK

Administration

1. Agency regulating oil and gas exploration/production: [Department of Environmental Conservation, Division of Mineral Resources](#).
2. Contact for regulatory updates: Department of Environmental Conservation, Division of Mineral Resources, 625 Broadway, 3rd Fl., Albany, NY 12233-6500. Phone: (518) 402-8056. Region 9 Office, 182 E. Union St., Allegany, NY 14706-1328. Phone: (716) 372-0645. Region 8 Office, 6274 East Avon-Lima Road, Avon, NY 14414. Phone: (585) 226-2466.
3. Docketing procedure: Compulsory integration hearings will be held on a regular schedule to address recently permitted wells where the Department determines integration is necessary in accordance with new statutory provisions which took effect in August 2005. Other public hearings are held upon the Department's own motion or upon application of any interested party. The Department shall promptly fix a date for a hearing thereon. The hearings shall be held without undue delay after the filing of the petition. The Department shall make its order within sixty days after the close of the hearing record.
 - a. Emergency orders: The Department may make an emergency order without notice or hearing, which shall be effective when made. No emergency order shall be effective for more than fifteen days.
 - b. Notice:

Compulsory Integration Hearings: The well operator is responsible to provide notice to uncontrolled interests in spacing units and by publication at least 30 days prior to an integration hearing.

Other matters: At least ten days notice, exclusive of the date of service. The Department is responsible to give notice.

4. Agency regulating air emissions: N/A
5. Agency regulating water quality: N/A

License

1. License required: N/A
2. Conditions of license: N/A

Bond/Surety

1. Purpose of surety: N/A
2. Plugging and restoration: N/A
3. Compliance bond required: Yes, but only for post-regulatory (10/1/63) wells, and only with respect to plugging and abandonment.
4. Types of surety accepted: N/A
5. Conditions of bond: That the well be properly plugged and abandoned, all notices and reports be filed with the Department and the surface be restored to a condition similar to the adjacent terrain.

a. Amount per well:

- (1) For wells less than 2,500 feet in depth:
 - (a) 1 to 25 wells: \$2,500 per well, up to \$25,000.
 - (b) 26 to 50 wells: \$25,000 plus \$2,500 per well in excess of 25, up to a total of \$40,000.
 - (c) 51 to 100 wells: \$40,000 plus \$2,500 per well in excess of 50, up to a total of \$70,000.
 - (d) Over 100 wells: \$70,000 plus \$2,500 per well in excess of 100, up to \$100,000.
- (2) For wells between 2,500 feet and 6,000 feet in depth:
 - (a) 1 to 25 wells: \$5,000 per well, up to \$40,000.
 - (b) 26 to 50 wells: \$40,000 plus \$5,000 per well in excess of 25, up to a total of \$60,000.
 - (c) 51 to 100 wells: \$60,000 plus \$5,000 per well in excess of 50, up to a total of \$100,000.
 - (d) Over 100 wells: \$100,000 plus \$5,000 per well in excess of 100, up to a total of \$150,000.
- (3) For wells over 6,000 feet in depth: Amount set by the Department based upon the anticipated cost to plug the well. Not to exceed \$250,000 per well, up to a total of \$2,000,000.
- (4) If the operator has wells described in (1) and others in (2), instead of providing bonding to satisfy the provisions of each category, he/she may provide an amount as if all the wells were between 2,500 feet and 6,000 feet in depth.

- b. Amount of blanket bond: No bond required in excess of (a).

Land Leasing Information

1. Leasing method: Sealed bids. Negotiated lease option for small tracts. Negotiated noncompetitive lease option for split minerals interests and small tracts necessary to consolidate production units.
2. Notice method: Published in the official newspaper or newspapers or otherwise in a newspaper designated for such purposes.
3. Minimum bidding \$ (per acre): \$500.00 for each nominated area + \$1 per acre, if the tract is 125 acres or less, then min. \$5 per acre. Minimum bid is \$15.00 per acre.
4. Qualification of the bidder: Any person in compliance with the Law and Regulations.
5. State statutes: [New York State Environmental Conservation Law § 23-1101](#).
6. Maximum acres: No established maximum.
7. Royalty rates: N/A
8. Agency in control of leasing: Charles Gilchrist, Phone: (518) 402-8056, E-mail: crgilchr@gw.dec.state.ny.us.

Setbacks

1. What rules/regulations/policies does your jurisdiction have in regard to well setbacks from private residences and/or other habitable structures for use by humans or animals? N/A
2. Are there other sources of information on this matter that you could identify? N/A

Spacing

1. Spacing requirements: Yes
 - a. Density:
Gas wells outside of pre-1995 fields which are not being extended:
 - (1) Medina or shale, any depth: 40 acres +/- 10%.
 - (2) Onondaga reef or Oriskany, any depth: 160 acres +/- 10%.
 - (3) Fault-bounded Trenton and/or Black River hydrothermal dolomite, 4000 - 8000 feet deep: 320 acres +/- 10%.
 - (4) Fault-bounded Trenton and/or Black River hydrothermal dolomite, deeper

than 8000 feet: 640 acres +/- 5%.

(5) All other pools, less than 4000 feet deep: 80 acres +/- 10%.

(6) All other pools, 4000 - 6000 feet deep: 160 acres +/- 10%.

(7) All other pools, 6000 - 8000 feet deep: 320 acres +/- 10%.

(8) All other pools, deeper than 8000 feet: 640 acres +/- 5%.

All other non-exempt fields, pools or wells: 40 acres or in the center of a circle of radius 660 feet, subject to change under provision of a spacing order.

b. Lineal:

Gas wells outside of pre-1995 fields which are not being extended:

(1) Medina or shale, any depth: 660 feet from any unit boundary.

(2) Onondaga reef or Oriskany, any depth:
660 feet from any unit boundary.

(3) Fault-bounded Trenton and/or Black River hydrothermal dolomite, 4000 - 8000 feet deep: one-half mile from any other well in another unit in the same pool and no less than 1000 feet from any unit boundary that is not defined by a field-bounding fault and in no even less than 660 feet from any unit boundary.

(4) Fault-bounded Trenton and/or Black River hydrothermal dolomite, deeper than 8000 feet: one mile from any other well in another unit in the same pool and no less than 1500 feet from any unit boundary that is not defined by a field-bounding fault and in no even less than 660 feet from any unit boundary.

(5) All other pools, less than 4000 feet deep: 660 feet from any unit boundary.

(6) All other pools, 4000 - 6000 feet deep: 660 feet from any unit boundary.

(7) All other pools, 6000 - 8000 feet deep: 1000 feet from any unit boundary.

(8) All other pools, deeper than 8000 feet: 1500 feet from any unit boundary.

All other non-exempt fields, pools, or wells: 660 feet from the boundary line of any lease or unit and 1,320 feet from any other producing well completed or being drilled to the same pool.

2. Exceptions: Yes

a. Basis: Reasonable exceptions to protect correlative rights and prevent waste.

b. Approval:

Gas wells outside of pre-1995 fields which are not being extended: A spacing order is required before the well permit may be issued. The Order may be issued after notice and a comment period, without a hearing, if no substantive and significant issues are raised. A hearing will be scheduled if the Department determines that a substantive and significant issue has been raised in a timely manner.

Approval, all other non-exempt fields, pools or wells: May be granted administratively after proper notice and if no objections are filed. A public hearing is required if a substantive and significant dispute exists.

Oil fields or pools discovered, developed and operated prior to 1/1/81 are exempt from spacing requirements.

Underground gas storage wells, solution salt mining wells, brine disposal wells, stratigraphic wells and geothermal wells are exempt from spacing requirements.

Pooling

1. Authority to establish voluntary: Yes.
2. Authority to establish compulsory: Yes.

Unitization

1. Compulsory unitization of all or part of a pool or common source of supply:
2. Minimum percentage of voluntary agreement before approval of compulsory unitization: Yes.
 - a. Working interest: 60%
 - b. Royalty interest: 60%

Drilling Permit

1. Permits required for:

- a. Drilling a producing or service well: Yes.
 - b. Seismic drilling: No.
 - c. Recompletion: Yes.
 - d. Plugging and abandoning: Yes.
 - e. Stratigraphic test well: Yes, if greater than 500 feet deep.
 - f. Geothermal well: Yes, if greater than 500 feet deep.
 - g. Brine disposal well: Yes, if greater than 500 feet deep.
2. Permit fee:
- a. Drilling: \$100 plus \$190 for each 500 feet of depth or portion thereof.
 - b. Seismic drilling: No permit required.
 - c. Recompletion: If recompletion includes deepening the well to a lower zone, a permit fee is required; in other cases no fee is required.
 - d. Plugging and abandoning: None.
3. Require filing report of work performed: Yes.
4. Sundry notices used: N/A

Vertical Deviation

1. Regulation requirement: Yes.
- a. When is a directional survey necessary: Upon Department request and/or as a condition of permit to drill an intentionally deviated well.
 - b. Filing of survey required: Yes.
 - c. Format of filing: N/A

Casing and Tubing

1. Minimum amount required:
- a. Surface casing: Minimum of 75 feet below deepest fresh water formation or 75 feet into bedrock, whichever is greater.
 - b. Production casing: Prevent migration between zones and commingling.

2. Minimum amount of cement required:
 - a. Surface casing: Cement to surface.
 - b. Production casing: To a height sufficient to prevent any movement of oil, gas or water outside of the casing. In principal or primary aquifer areas, production casing must be cemented to the surface.
 - c. Setting time: Yes. Prudent current industry practices, according to casing and cementing guidelines issued by our office.
3. Tubing requirements:
 - a. Oil wells: No.
 - b. Gas wells: No.

Hydraulic Fracturing

No responses provided

1. Permitting:
 - a. Before drilling:
 - b. Before fracing:
 - c. How long before:
2. Reporting requirements:
 - a. Where reported:
 - b. When reported:
3. Source water requirements:
4. Mechanical integrity:
 - a. Cementing log required:
 - b. Pressure testing:
 - c. Pressure monitoring:
 - d. Blowout preventer required:
5. Disposal of flowback fluids:

- a. Retaining pits:
 - b. Tanks:
 - c. Approved discharge to surface water:
 - d. Underground injection:
6. Chemical disclosure requirement:
- a. Mandatory:
 - b. Where disclosed:
 - c. When disclosed (pre-fracing, post-fracing, both):
 - d. Time limit to disclose:
 - e. Information required to be disclosed:
 - f. Trade secret protection:
 - g. Required disclosure to health/emergency personnel:

Underground Injection

1. Agencies that control the underground injection of fluid by well class: N/A

Completion

1. Completion report required: Yes.
- a. Time limit: Within 30 days after completion of any well.
 - b. Where submitted: NYS Department of Environmental Conservation, Division of Mineral Resources for region where well is located.
2. Well logs required to be filed: Yes.
- a. Time limit: Within 30 days after completion of any well.
 - b. Where submitted: NYS Department of Environmental Conservation, Division of Mineral Resources for region where well is located.
 - c. Confidential time period: Department will hold well logs and completion data confidential for six months from spud date. This period may be extended an additional six months if drilling has been continuous throughout the first six month period. An operator may request a

maximum of two years confidentiality pursuant to Section 23-0313 of the New York State Oil, Gas and Solution Mining Law.

- d. Available for public use: Yes. Access is available after the applicable six month or two-year confidentiality period expires.
 - e. Log catalog available: No.
3. Multiple completion regulation: Yes. [6 NYCRR 554.6](#).
- a. Approval obtained: Prior permission is required for a multiple completion.
4. Commingling in well bore: Yes, with permission of the Department.
- a. Approval obtained: By application. Approval may be granted on an administrative basis or after public hearing at the Department's discretion.

Oil Production

- 1. Definition of an oil well: No definition.
- 2. Potential tests required: If pertinent (not on stripper wells).
 - a. Time interval: At operator's discretion.
 - b. Witness required: No.
- 3. Maximum gas-oil ratio: 2,000 cu. ft./bbl. but can be changed by application and public hearing.
 - a. Provision for limiting gas-oil ratio: Yes.
 - b. Exception to limiting gas-oil ratio: Only on a pool basis. By application and public hearing.
- 4. Bottom-hole pressure test reports required: Only in specific instances.
 - a. Periodical bottom-hole pressure surveys: Only in specific instances.
- 5. Commingling oil in common facilities: Yes, upon application to and with prior approval of the Department.
- 6. Measurement involving meters: No.
- 7. Production reports:
 - a. By lease: Yes, annually.
 - b. By well: Yes, annually.

- c. Time limit: Three months after close of calendar year to which report pertains. "Bass Island" well production is reported on a quarterly basis, filed within 60 days after the close of the quarter concerned.

Gas Production

1. Definition of a gas well: No definition.
2. Pressure base 14.73 psia @ 60 degrees F.
3. Initial potential tests: Yes.
 - a. Time interval: At operator's discretion.
 - b. Witness required: No.
4. Bottom-hole pressure test reports required:
 - a. Periodical bottom-hole pressure surveys:
5. Commingling of gas in common facilities: Yes, upon application to and with prior approval of the Department
6. Measurement involving meters: Yes.
7. Production reports:
 - a. By lease: No.
 - b. By well: Yes, if available.
 - c. Time limits: Three months after close of calendar year to which report pertains. "Bass Island" well production is reported on a quarterly basis, filed within 60 days after the close of the quarter concerned.