



The New York Water Environment Association, Inc.

The Water Quality Management Professionals

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Table 1¹

**“Active” New York Water-Related Legislative Proposals
(May 3, 2005)**

Moving In Assembly and Senate	
<p>A 2048 Same as S 2081 MARCELLINO</p>	<p>DiNapoli (MS) – Freshwater Wetlands - AN ACT to amend the environmental conservation law which relates to the definition of freshwater wetlands; repeals section relating to the applicability of the freshwater wetlands article; provides authority of DEC over wetlands which are one acre or more; amends permitting requirements for subdivision of land. 02/02/05 passed assembly 02/02/05 REFERRED TO SENATE ENVIRONMENTAL CONSERVATION 04/06/05 SUBSTITUTED FOR S2081 04/11/05 ADVANCED TO THIRD READING</p>
<p>A 2517A Same as S 1290 A LAVALLE</p>	<p>DiNapoli (MS) – Bigger Better Bottle Bill - AN ACT to amend the environmental conservation law, the economic development law and the state finance law which provides for the mandatory acceptance of empty beverage containers; allows the commissioner of environmental conservation to approve state assistance payments from deposits of beverage container refund values; provides for the repeal of certain sections related thereto. 01/26/05 referred to environmental conservation 02/01/05 reported referred to Assembly codes 02/10/05 amend and recommit to codes 02/15/05 reported referred to ways and means 01/26/05 REFERRED TO SENATE ENVIRONMENTAL CONSERVATION 02/10/05 AMEND AND RECOMMIT TO SENATE ENVIRONMENTAL CONSERVATION 02/10/05 PRINT NUMBER 1290A</p>
<p>A 3575B Same as S2356-A MARCELLINO</p>	<p>DiNapoli (MS) – On-Site Treatment Systems - AN ACT to amend the environmental conservation law which relates to the regulation of residential on-site wastewater treatment systems; directs the commissioner of environmental conservation to prepare a report on the impact of on-site sewage treatment systems on the waters of the state and on the public health;</p>

¹ For more information, please contact Libby Ford, QEP at 585-263-1606 (lford@nixonpeabody.com). <http://www.nixonpeabody.com> . The NYWEA GAC thanks Nixon Peabody LLP for its on-going support of this newsletter.

	<p>provides siting criteria for new septic systems and for inspections of new and existing residential septic systems upon sale or transfer. 04/07/05 amend two times and recommit to environmental conservation 02/11/05 REFERRED TO ENVIRONMENTAL CONSERVATION 04/12/05 AMEND AND RECOMMIT TO ENVIRONMENTAL CONSERVATION 04/12/05 PRINT NUMBER 2356A</p>
<p>A 5475 Same as S2918 MARCHI</p>	<p>Lavelle (MS) – Gas Pipeline Routes - AN ACT to amend chapter 395 of the laws of 1978, relating to moratoriums on the issuance of certificates of environmental safety for the siting of facilities and certification of routes for the transportation of liquefied natural and petroleum gas, in relation to extending the effectiveness of the provisions of such chapter. 03/07/05 passed assembly 03/07/05 REFERRED TO SENATE ENVIRONMENTAL CONSERVATION 04/06/05 SUBSTITUTED FOR S2918</p>
Passed Assembly	
<p>A 293 No Same As</p>	<p>Grannis – Increases Freshwater Wetlands Penalties AN ACT to amend the environmental conservation law. Implements certain recommendations of the freshwater wetland advisory committee; increases maximum civil penalties for violations of regulations relating to freshwater wetlands from \$3,000 to \$10,000 and increases maximum criminal penalties from \$5,000 to \$10,000; permits court to order violator to restore adjacent lands to their previous condition. 02/02/05 Passed assembly 02/02/05 delivered to senate 02/02/05 REFERRED TO ENVIRONMENTAL CONSERVATION</p>
<p>A300 No Same As</p>	<p>Tonko (MS) –Primary Water Supply Aquifer Areas. AN ACT to amend the environmental conservation law, in relation to projects requiring environmental impact statements within primary groundwater recharge areas. 01/24/05 passed assembly 01/24/05 delivered to senate 01/24/05 REFERRED TO ENVIRONMENTAL CONSERVATION</p>
<p>A904 No Same As</p>	<p>Lentol – Major Oil Storage Facilities - Amd S174, Nav L Requires the department of environmental conservation to require, as a condition precedent to the issuance or renewal of a major facility license, the submission of satisfactory evidence that the applicant has implemented, or is in the process of implementing, state and federal plans and regulations for the prompt detection of petroleum discharges; requires applicants for a major facility license to submit information, in form satisfactory to the commissioner, describing the equipment used at the facility to promptly detect petroleum discharges; requires major facilities to install equipment to promptly detect discharges of petroleum from a tank and any connected petroleum pipelines within one year of effective date; defines “prompt detection”. 02/07 passed assembly 02/07/05 REFERRED TO SENATE ENVIRONMENTAL CONSERVATION</p>

<p>A929 No Same As</p>	<p>Tokasz (MS) – Vessel Ballast Water - Provides for the management of ballast water from shipping vessels in an effort to prevent introduction of nonindigenous species 05/02/05 passed Assembly 05/02/05 delivered to senate</p>
<p>A 1467 No Same As</p>	<p>McEneny (MS) - Testing of School Water - AN ACT to amend the public health law and the education law, in relation to the water dispensed within public schools. Provides for annual school lead-copper tap water testing; requires the publishing of reports of contamination and abatement of such contamination; requires school districts to provide potable water to school children attending affected schools. 02/07/05 passed assembly 02/07/05 REFERRED TO SENATE HEALTH</p>
<p>A1802A No Same As</p>	<p>Brodsky (MS) – State Use of Pesticides - AN ACT to amend the environmental conservation law, in relation to the phase-out on varying time schedules of state use of various categories of pesticides on state property; does not apply to certain antimicrobial pesticides; requires the department of environmental conservation to adopt a pest management plan for every state department, agency, and public benefit corporation; provides for waivers and exemptions. 04/19/05 passed assembly 04/19/05 REFERRED TO SENATE ENVIRONMENTAL CONSERVATION</p>
<p>A1833 No Same As</p>	<p>Grannis (MS) – Remediation by State - AN ACT to amend the environmental conservation law which imposes penalties upon a state agency, public authority or public benefit corporation, which fails to complete a remediation plan within the projected time schedule for such plan; provides that upon such failure such agency shall be subject to a public hearing and required to explain the failure to complete the plan; provides that an amended plan shall be imposed which provides for involvement by community groups; provides that subsequent failure to remediate shall result in a fine. 03/14/05 passed assembly 03/14/05 REFERRED TO SENATE ENVIRONMENTAL CONSERVATION</p>
<p>A 2546 No Same As</p>	<p>Cook (MS) – Fish Advisories - AN ACT to amend the environmental conservation law which requires copies of fish and wildlife law be made available to public anywhere fishing licenses are sold and requires posting of advisories on restrictions on fishing in particular bodies of water at specified locations. 01/27/05 referred to environmental conservation 03/01/05 reported referred to codes 03/09/05 reported 03/10/05 advanced to third reading cal. 130 03/14/05 passed assembly 03/14/05 REFERRED TO SENATE ENVIRONMENTAL CONSERVATION</p>
<p>A 2882A Same as S3054-A</p>	<p>Morelle (MS) – Hazardous Waste Generators - AN ACT to amend the environmental conservation law which directs the Department of</p>

ALESI	<p>Environmental Conservation to establish an education and compliance program to provide information and assistance to generators of small quantities of hazardous waste to assist them in complying with governmental regulations.</p> <p>04/11/05 passed assembly 04/11/05 REFERRED TO SENATE ENVIRONMENTAL CONSERVATION 03/28/05 AMEND AND RECOMMIT TO SENATE ENVIRONMENTAL CONSERVATION</p>
A 3949 No Same As	<p>Lifton – Freshwater Wetland Maps - AN ACT to amend the environmental conservation law, Authorizes the electronic filing of freshwater wetlands regulatory maps.</p> <p>03/07/05 passed assembly 03/07/05 delivered to senate 03/07/05 REFERRED TO ENVIRONMENTAL CONSERVATION</p>
Moving In Assembly Only	
A509 No Same As	<p>Greene (MS) - Labeling Of All Food Products - Requires the labeling of all food products produced with the use of fertilizer derived from sewage sludge.</p> <p>Applies to plant food products and to animal food products if such animals have been fed with any feed derived from such fertilizer. (Not moving, but of interest).</p>
A 1421 Same as S3863 Oppenheimer	<p>Dinowitz (MS) – Public Hearings for Permit Modification - AN ACT to amend the environmental conservation law. Requires a public hearing when permit modification has the potential to significantly improve the permit and the quality of the environment or mitigate the project’s impact and enable the project to meet regulatory criteria.</p> <p>04/14/04 advanced to third reading cal. 227</p>
A 1952 Same as S 1773 FUSCHILLO	<p>Karben (MS) – Environmental Community Right to Know Act - AN ACT to amend the environmental conservation law which enacts the “Environmental Community Right to Know Act of 2005”; relates to preserving and enhancing the public’s right to know the efforts used by state government to safeguard the environment and public health; provides for public access to process decision making, methodology and review; provides definitions, duties of the commissioner and provides for public access via electronic means.</p> <p>01/24/05 referred to ways and means 04/12/05 reference changed to environmental conservation</p>
A 2524 Same as S 1336 LAVALLE	<p>Thiele – Sewage Sludge Moratorium - AN ACT to amend the environmental conservation law which imposes a moratorium on application of septage, sludge or sludge products on agricultural lands, school property, golf course property and state recreational park lands until the Department of Environmental Conservation promulgates regulations to establish a clean soil standard, a clean sludge standard and a testing protocol; provides that such application shall not be made unless it meets such standard.</p> <p>01/27/05 referred to environmental conservation (No movement, but of interest)</p>
A 4462 No Same As	<p>DiNapoli (MS) – Sanitary Sewer Overflow - AN ACT to amend the environmental conservation law in relation to Sanitary Sewer Overflow.</p>

	<p>Restricts sanitary sewer overflow and the issuance of SPDES permits; requires notification procedures in the event of a sanitary sewer overflow; requires the preparation of an annual report by SPDES permittees. 02/10/05 referred to environmental conservation (No movement, but of interest)</p>
<p>A 5163 Same as S4630 KLEIN</p>	<p>Brennan (MS) – Water Supply Emergency Plans - AN ACT to amend the public health law which relates to the preparation of water supply emergency plans; includes certain persons who supply drinking water to fewer than three thousand three hundred people within the definition of a water supplier which requires such person to file a water supply emergency plan; directs the commissioner of health and the county health departments to provide guidance and assistance to community water systems regarding vulnerability assessments, emergency plans and addressing potential threats to the provision of safe drinking water; and provides greater penalties for violations. Criminal Sanction Impact 02/17/05 referred to health 04/05/05 reported referred to codes 04/12/05 reported referred to ways and means (Not moving in Senate)</p>
<p>Moving in Senate Only</p>	
<p>S435 Same as A339 Gunther (which is not moving)</p>	<p>Larkin – Solid Wastes Landfills - AN ACT to amend the environmental conservation law which provides for minimization and limitation of siting and expansion of solid wastes landfills in proximity to aquifers and other public water supplies; requires the department of environmental conservation to accept and consider comments and objections from affected municipalities; requires consideration of possible over-concentration and local land use laws and plans. 04/11/05 ADVANCED TO THIRD READING</p>
<p>S2858 Same as A5520 SCHIMMINGER</p>	<p>Farley - Repeal of Basin Compacts - AN ACT to amend the environmental conservation law which repeals the Champlain Basin Compact, the Mid–Atlantic States Air Pollution Control Compact and the Delaware River Basin Water Commission Compact; makes conforming changes. 03/01/05 REFERRED TO ENVIRONMENTAL CONSERVATION 04/05/05 1ST REPORT CAL.470 04/06/05 2nd REPORT CAL. 04/11/05 ADVANCED TO THIRD READING (Not Moving in Assembly)</p>