



The New York Water Environment Association, Inc.

The Water Quality Management Professionals

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**PASSED/ACTIVE” NEW YORK WATER-RELATED
2010 LEGISLATIVE PROPOSALS**¹

(7/13/10)

Passed and Signed into Law	
A1976A	<p>Lifton (MS) – Same as S 5642 THOMPSON SUMM: Authorizes the electronic filing of freshwater wetlands regulatory maps. 5/26/09 passed assembly 02/22/10 substituted by s5642 S05642 THOMPSON 02/01/10 PASSED SENATE 02/22/10 passed assembly 02/22/10 returned to senate 03/11/10 DELIVERED TO GOVERNOR 03/23/10 SIGNED CHAP. 16</p>
Passed But Not Signed	
Passed Assembly	
A4110a	<p>Brodsky (MS) – Same as S4950-A THOMPSON SUMM: Requires applicants to the department of environmental conservation for permits to disclose information concerning other permits held and/or revoked, enforcement actions, criminal convictions, fees or fines owed, and other information relating to compliance by the applicant or any corporation of which he or she is an officer, director, or large stockholder with state, federal or foreign environmental laws or regulations and certain other laws. 06/09/09 passed assembly 01/06/10 DIED IN SENATE 03/15/10 passed assembly 03/15/10 delivered to senate 03/15/10 REFERRED TO ENVIRONMENTAL CONSERVATION 03/17/10 SUBSTITUTED FOR S4950A 03/17/10 3RD READING CAL.83</p>

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The NYWEA GAC thanks Nixon Peabody LLP for its on-going support of this newsletter.

A4557A	<p>Jaffee (MS) – Same as S 2678-A MORAHAN SUMM: Enacts the “private water testing act”; authorizes the department of health to promulgate rules and regulations to establish standards for the testing of drinking water from privately owned wells. 05/05/09 passed assembly 01/06/10 DIED IN SENATE 04/20/10 passed assembly 04/20/10 REFERRED TO CODES</p>
A4807	<p>Sweeney (MS) – Same as S 6145 SCHNEIDERMAN SUMM: Requires restoration of areas adjacent to wetlands by those persons who, following procedures set forth in law, have been directed to cease violation and to restore the affected wetlands. 06/17/09 passed assembly 01/06/10 DIED IN SENATE 04/20/10 passed assembly 04/20/10 delivered to senate 04/20/10 REFERRED TO CODES</p>
A7987b	<p>Gordon (MS) – Relates to farm waste net energy metering Same as S 4303-B VALESKY SUMM: Relates to farm waste net energy metering. 06/10/09 passed assembly 01/06/10 DIED IN SENATE 03/08/10 passed assembly 03/10/10 recalled from senate 03/25/10 repassed assembly 03/25/10 returned to senate 03/25/10 RECOMMITTED TO ENERGY AND TELECOMMUNICATIONS 05/04/10 SUBSTITUTED FOR S4303B 05/04/10 3RD READING CAL.457</p>
A8489A	<p>Peoples-Stokes – Same as S 1330 SERRANO SUMM: Identifies the criteria the commissioner of environmental conservation should consider in publishing a list of high local environmental impact zones; these are areas most adversely affected by existing environmental hazards. 06/11/09 passed assembly 01/06/10 DIED IN SENATE 04/20/10 passed assembly 04/20/10 delivered to senate 04/20/10 REFERRED TO ENVIRONMENTAL CONSERVATION 04/21/10 SUBSTITUTED FOR S1330 04/21/10 2ND REPORT CAL.419 04/26/10 ADVANCED TO THIRD READING 05/11/10 PASSED SENATE 05/11/10 RETURNED TO ASSEMBLY</p>

<p>S1635</p>	<p>THOMPSON – Same as A 9480 Sweeney SUMM : Prevents individuals from being denied standing in private actions alleging violations of the environmental quality review provisions of the environmental conservation law solely on the basis that the injury alleged by such individual does not differ in kind or degree from the injury that would be suffered by the public at large. 02/25/09 passed assembly 02/25/09 delivered to senate 02/25/09 REFERRED TO ENVIRONMENTAL CONSERVATION 05/12/09 SUBSTITUTED FOR S1635 05/12/09 3rd READING CAL.252 07/16/09 COMMITTED TO RULES 01/06/10 REFERRED TO ENVIRONMENTAL CONSERVATION 01/20/10 1ST REPORT CAL.29 01/25/10 2ND REPORT CAL. 01/26/10 ADVANCED TO THIRD READING 04/20/10 LOST [Did not pass in Senate]</p>
<p>A561A</p>	<p>Kavanagh (MS) – Imposes penalty upon agency failing to complete a remediation plan Same as S 3595-A KREUGER AN ACT to amend the environmental conservation law, in relation to state agency environmental audits SUMM: Amd S3-0311, En Con L 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. 06/16/09 passed assembly 01/06/10 ordered to third reading cal.43 02/01/10 passed assembly 02/01/10 delivered to senate 02/01/10 REFERRED TO ENVIRONMENTAL CONSERVATION</p>
<p>A769A</p>	<p>Gunther (MS) – No same as SUMM: Directs the commissioner of environmental conservation and the commissioner of the New York city department of environmental conservation to review the west of Hudson River New York city drinking water supply system program and make recommendations to alleviate the threat of flooding in certain areas. 01/06/10 ordered to third reading cal.68 01/12/10 amended on third reading 769a 02/01/10 passed assembly 02/01/10 delivered to senate 02/01/10 REFERRED TO CODES</p>

A1696	<p>Cusick (MS) – Same as S 507 LANZA SUMM : Relates to requiring notice to neighboring landowners within one thousand feet of intention to develop in wetland areas; requires a public hearing on a wetland application. 05/26/09 passed assembly 01/06/10 DIED IN SENATE 02/23/10 passed assembly 02/23/10 delivered to senate 02/23/10 REFERRED TO ENVIRONMENTAL CONSERVATION</p>
A2692A	<p>Sweeney (MS) -- Provides reimbursement to fire companies for costs associated with responding to spills of hazardous materials Same as S 5113 FOLEY SUMM : Provides reimbursement by the transporter of hazardous materials to fire companies for costs associated with responding to spills of hazardous materials; provides that the state fire administrator shall develop and make reimbursement forms to enable a fire company to bill a transporter of hazardous materials for costs incurred in responding to a release or threatened release of hazardous materials. 05/18/09 passed assembly 01/06/10 DIED IN SENATE 02/23/10 passed assembly 02/23/10 delivered to senate 02/23/10 REFERRED TO ENVIRONMENTAL CONSERVATION</p>
A838	<p>Dinowitz (MS) – Same as S 2093 THOMPSON SUMM: Establishes requirements for notice, access to information and public comment period, with respect to uniform procedures for pending environmental protection agency projects and regulation. 05/18/09 passed assembly 01/06/10 DIED IN SENATE 02/01/10 passed assembly 02/01/10 delivered to senate 02/01/10 REFERRED TO ENVIRONMENTAL CONSERVATION</p>
A976A	<p>Gunther (MS) – Relates to farm pond dams Same as S 2429-A YOUNG SUMM: Relates to farm pond dams; defines farm pond dams as dams principally installed to enhance agricultural, environmental and conservation benefits on farms. 06/22/09 passed assembly 01/06/10 DIED IN SENATE 01/06/10 RETURNED TO ASSEMBLY 01/06/10 ordered to third reading cal.89 01/20/10 amended on third reading 976a</p>
A3892	<p>Lentol – No same as SUMM : Requires owners and operators of petroleum bulk storage facilities located in cities of one million or more to undertake comprehensive accident</p>

	<p>prevention plans for the prevention of spills and leaks of petroleum; further requires such owners or operators to hire an independent company to quarterly audit the implementation of such plan. 05/24/10 passed assembly 05/24/10 delivered to senate 05/24/10 REFERRED TO ENVIRONMENTAL CONSERVATION</p>
A3950	<p>Alessi – Same as S 1390 LAVALLE SUMM : Makes conforming amendments to provisions of law relating to the Connecticut-New York bi-state Long Island sound committee. 06/10/09 passed assembly 01/06/10 DIED IN SENATE 02/24/10 passed assembly 02/24/10 delivered to senate 02/24/10 REFERRED TO ENVIRONMENTAL CONSERVATION</p>
A4272	<p>Brodsky (MS) – No same as SUMM : Enacts "private environmental law enforcement act"; authorizes any private citizen who has an interest which is or may be adversely affected to commence civil judicial actions for injunctive or declaratory relief to remedy environmental harms under certain circumstances; provides that such action may be commenced against any person for any violation of an administrative or court order compelling an investigation or remediation of an inactive hazardous waste disposal site. 03/17/09 passed assembly 01/06/10 DIED IN SENATE 03/01/10 passed assembly 03/01/10 delivered to senate 03/01/10 REFERRED TO ENVIRONMENTAL CONSERVATION</p>
A4462A	<p>Brodsky (MS) – Same as S 4939-A THOMPSON SUMM : Re-establishes the state, superfund management board as the state remedial program oversight board; provides for appointment of board members and for the functions, powers, and duties of the board. 06/15/09 passed assembly 01/06/10 DIED IN SENATE 02/24/10 passed assembly 02/24/10 delivered to senate 02/24/10 REFERRED TO FINANCE</p>
A4245	<p>Brodsky (MS) – Same as S 5778 THOMPSON SUMM : Makes various provisions regulating the location of environmental facilities to insure equity of treatment for minority communities or economically distressed areas; requires environmental impact statements to state whether the siting of a facility will cause or increase a disproportionate burden on such areas. 05/04/09 passed assembly 01/06/10 DIED IN SENATE 03/15/10 passed assembly</p>

	03/15/10 delivered to senate 03/15/10 REFERRED TO ENVIRONMENTAL CONSERVATION
Passed Senate	
S4407	SCHNEIDERMAN – No same as SUMM : Declares a policy of equal treatment of people of all races, cultures, religions, incomes, education levels and sexual preference in the development and enforcement of environmental laws, regulations and policies. 02/22/10 PASSED SENATE 02/22/10 DELIVERED TO ASSEMBLY 02/23/10 referred to environmental conservation
Moving in Assembly	
A779A	Paulin (MS) – Same as S 2993-B KLEIN SUMM : Directs the department of environmental conservation to update any forms or documentation prepared by such department which are designed to assist applicants and lead agencies in determining whether certain projects or actions have a significant effect on the environment; and provides such updates shall ensure the consideration of changes in science and emerging issues in environmental protection. 03/09/09 passed assembly 01/06/10 DIED IN SENATE` 01/06/10 RETURNED TO ASSEMBLY 02/01/10 passed assembly 05/25/10 recalled from senate 05/25/10 amended on third reading (t) 779a
Moving in Senate	
S2993b	KLEIN – Same as A 779-A Paulin SUMM : Directs the department of environmental conservation to update any forms or documentation prepared by such department which are designed to assist applicants and lead agencies in determining whether certain projects or actions have a significant effect on the environment; and provides such updates shall ensure the consideration of changes in science and emerging issues in environmental protection. 01/06/10 REFERRED TO ENVIRONMENTAL CONSERVATION 04/08/10 REPORTED AND COMMITTED TO FINANCE 05/14/10 AMEND (T) AND RECOMMIT TO FINANCE 05/14/10 PRINT NUMBER 2993A 05/26/10 AMEND AND RECOMMIT TO FINANCE 05/26/10 PRINT NUMBER 2993B