



# 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<sup>1</sup>

(7/13/10)

<b>Passed and Signed into Law</b>	
A1976A	<p><b>Lifton (MS)</b> – Same as S 5642 THOMPSON  <b>SUMM:</b> 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  <b>03/23/10 SIGNED CHAP. 16</b></p>
<b>Passed But Not Signed</b>	
<b>Passed Assembly</b>	
A4110a	<p><b>Brodsky (MS)</b> – Same as S4950-A THOMPSON  <b>SUMM:</b> 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 3<sup>RD</sup> READING CAL.83</p>

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<http://www.nixonpeabody.com>

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

A4557A	<p><b>Jaffee (MS)</b> – Same as S 2678-A MORAHAN  <b>SUMM:</b> 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><b>Sweeney (MS)</b> – Same as S 6145 SCHNEIDERMAN  <b>SUMM:</b> 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><b>Gordon (MS)</b> – Relates to farm waste net energy metering  Same as S 4303-B VALESKY  <b>SUMM:</b> 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 3<sup>RD</sup> READING CAL.457</p>
A8489A	<p><b>Peoples-Stokes</b> – Same as S 1330 SERRANO  <b>SUMM:</b> 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 2<sup>ND</sup> 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><b>THOMPSON</b> – Same as A 9480 Sweeney  <b>SUMM:</b> 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 3<sup>rd</sup> READING CAL.252                  07/16/09 COMMITTED TO RULES                  01/06/10 REFERRED TO ENVIRONMENTAL CONSERVATION                  01/20/10 1<sup>ST</sup> REPORT CAL.29                  01/25/10 2<sup>ND</sup> REPORT CAL.                  01/26/10 ADVANCED TO THIRD READING  <b>04/20/10 LOST [Did not pass in Senate]</b></p>
<p>A561A</p>	<p><b>Kavanagh (MS)</b> – 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  <b>SUMM:</b> 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><b>Gunther (MS)</b> – No same as  <b>SUMM:</b> 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><b>Cusick (MS)</b> – Same as S 507 LANZA  <b>SUMM</b> : 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><b>Sweeney (MS)</b> -- Provides reimbursement to fire companies for costs associated with responding to spills of hazardous materials  Same as S 5113 FOLEY  <b>SUMM</b> : 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><b>Dinowitz (MS)</b> – Same as S 2093 THOMPSON  <b>SUMM</b>: 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><b>Gunther (MS)</b> – Relates to farm pond dams  Same as S 2429-A YOUNG  <b>SUMM</b>: 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><b>Lentol</b> – No same as  <b>SUMM</b> : 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><b>Alessi</b> – Same as S 1390 LAVALLE  <b>SUMM</b> : 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><b>Brodsky (MS)</b> – No same as  <b>SUMM</b> : 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><b>Brodsky (MS)</b> – Same as S 4939-A THOMPSON  <b>SUMM</b> : 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><b>Brodsky (MS)</b> – Same as S 5778 THOMPSON  <b>SUMM</b> : 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
<b>Passed Senate</b>	
S4407	<b>SCHNEIDERMAN</b> – No same as <b>SUMM</b> : 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
<b>Moving in Assembly</b>	
A779A	<b>Paulin (MS)</b> – Same as S 2993-B KLEIN <b>SUMM</b> : 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
<b>Moving in Senate</b>	
S2993b	<b>KLEIN</b> – Same as A 779-A Paulin <b>SUMM</b> : 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