

4511

2009-2010 Regular Sessions

I N S E N A T E

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Introduced by Sens. FLANAGAN, DeFRANCISCO, HANNON, MORAHAN, PADAVAN --
read twice and ordered printed, and when printed to be committed to
the Committee on Environmental Conservation

AN ACT to amend the navigation law, in relation to notification of
discharge by the department of environmental conservation

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEM-
BLY, DO ENACT AS FOLLOWS:

1 Section 1. The opening paragraph of section 175 of the navigation law
2 is designated subdivision 1 and a new subdivision 2 is added to read as
3 follows:
4 2. UPON NOTIFICATION OF A DISCHARGE PURSUANT TO SUBDIVISION ONE OF
5 THIS SECTION OR SUBDIVISION EIGHT OF SECTION 17-0303 OF THE ENVIRON-
6 MENTAL CONSERVATION LAW, THE DEPARTMENT SHALL NOTIFY BY REGISTERED MAIL
7 WITHIN FIVE DAYS: (A) THE CHIEF EXECUTIVE OFFICER OF ANY COUNTY, CITY,
8 TOWN OR VILLAGE IMPACTED BY THE SPILL, AND (B) ALL LANDOWNERS OR TENANTS
9 ADJACENT TO AND NEARBY THE SITE WHOSE PROPERTY OR DRINKING WATER SUPPLY
10 MAY BE POTENTIALLY ADVERSELY IMPACTED BY SUCH DISCHARGE. FOR THE
11 PURPOSES OF THIS SECTION, ADJACENT AND NEARBY LANDOWNERS AND TENANTS
12 SHALL MEAN THOSE WITHIN TWO THOUSAND SIX HUNDRED FORTY FEET OF THE SPILL
13 OR DISCHARGE. THE COST TO THE DEPARTMENT TO PROVIDE THE COMMUNITY
14 NOTIFICATION UNDER THIS SUBDIVISION SHALL BE BORNE BY THE PARTY RESPON-
15 SIBLE FOR THE DISCHARGE OR SPILL.
16 S 2. This act shall take effect on the thirtieth day after it shall
17 have become a law.

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets
[] is old law to be omitted.

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