

1588--A

Cal. No. 182

2009-2010 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 7, 2009

Introduced by M. of A. ENGLEBRIGHT, V. LOPEZ, EDDINGTON -- Multi-Sponsored by -- M. of A. COLTON, CYMBROWITZ, McENENY -- read once and referred to the Committee on Environmental Conservation -- passed by Assembly and delivered to the Senate, recalled from the Senate, vote reconsidered, bill amended, ordered reprinted, retaining its place on the order of third reading

AN ACT to amend the navigation law, in relation to notification of petroleum discharge

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

- 1 Section 1. Section 175 of the navigation law, as amended by chapter 35
2 of the laws of 1985, is amended to read as follows:
3 S 175. Notification by persons responsible for discharge. 1. Any
4 person responsible for causing a discharge shall immediately notify the
5 department pursuant to rules and regulations established by the depart-
6 ment, but in no case later than two hours after the discharge. Failure
7 to so notify shall make persons liable to the penalty provisions of
8 section [192] ONE HUNDRED NINETY-TWO of this article. Notwithstanding
9 the provisions of any other law, such notification to the department
10 shall be deemed to fulfill the notification requirements of any other
11 state or local law.
12 2. UPON NOTIFICATION OF A DISCHARGE, PURSUANT TO SUBDIVISION ONE OF
13 THIS SECTION, THE DEPARTMENT SHALL IMMEDIATELY NOTIFY THE MUNICIPAL
14 CHIEF EXECUTIVE, ALL LANDOWNERS OR TENANTS ADJACENT TO THE SITE OF THE
15 DISCHARGE AND/OR ANY NEARBY LANDOWNERS OR TENANTS WHOSE PROPERTY OR
16 DRINKING WATER SUPPLY MAY BE POTENTIALLY IMPACTED BY SUCH DISCHARGE.
17 S 2. This act shall take effect immediately.

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

LBD04765-08-9