S T A T E  O F  N E W  Y O R K

2478

2009-2010 Regular Sessions

I N  A S S E M B L Y

January 16, 2009

Introduced by M. of A. PRETLOW -- read once and referred to the Committee on Environmental Conservation

AN ACT to amend the navigation law, in relation to the removal of prohibited discharges

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

Section 1. Section 176 of the navigation law is amended by adding a new subdivision 9 to read as follows:

9. ANY DISCHARGE OF PETROLEUM OCCURRING AT A RESIDENCE IN THE COURSE OF THE DELIVERY OF HOME HEATING OIL TO SUCH RESIDENCE FOR RESIDENTIAL USE SHALL BE IMMEDIATELY CLEANED UP BY THE OIL DELIVERY COMPANY. IF THE SPILL AFFECTS SOIL THE CLEAN UP SHALL INCLUDE REPLACING THE AFFECTED SOIL WITH NEW SOIL, WHICH SHALL BE COMPLETED WITHIN TWENTY-FOUR HOURS. VIOLATION OF THIS SECTION SHALL RESULT IN A FINE OF FIVE HUNDRED DOLLARS FOR THE FIRST OFFENSE AND ONE THOUSAND DOLLARS FOR EACH ADDITIONAL OFFENSE, NOT TO EXCEED TEN THOUSAND DOLLARS PAYABLE BY THE OIL DELIVERY COMPANY. SUCH FINE SHALL BE IN ADDITION TO ANY OTHER PENALTY AS PROVIDED FOR IN THIS ARTICLE. NOTHING CONTAINED IN THIS SUBDIVISION SHALL BE INTERPRETED TO DIMINISH LIABILITY ESTABLISHED IN THIS ARTICLE.

S 2. This act shall take effect immediately.

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

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