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

286

2009-2010 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 7, 2009

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

AN ACT to amend the navigation law, in relation to regulating the disposal of sewage from watercraft and marinas and prohibiting the littering of waterways

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

Section 1. Subdivision 8 of section 33-c of the navigation law, as amended by chapter 199 of the laws of 1999, is amended to read as follows:

8. All marinas that provide pumpout facilities and dump stations for the handling and disposal of sewage from marine holding tanks and portable toilets shall do so in a manner that will prevent the pollution of the surface waters of the state. The facilities for unloading and disposal of such sewage shall be approved by either the local or the state health department in accordance with [guidelines set forth by the department in consultation with the department of health] THE REQUIREMENTS ESTABLISHED PURSUANT TO SUBDIVISION TEN OF THIS SECTION. The department of environmental conservation shall require that municipal sewage treatment facilities accept such waste originating from marine holding tanks and portable toilets unless the commissioner determines that such action would cause an unacceptable threat to human health or the environment or the operation of a sewage treatment plant. NOTWITHSTANDING THE FOREGOING, WESTCHESTER COUNTY SHALL BE EMPOWERED TO REQUIRE BY ENACTMENT OF A LOCAL LAW, THAT ANY MARINA, WITHIN THE COUNTY OF WESTCHESTER, PROVIDE FOR THE HANDLING AND DISPOSAL OF SEWAGE FROM HOLDING TANKS OF WATERCRAFT IN ACCORDANCE WITH THE PROVISIONS OF SUCH LOCAL LAW.

S 2. Section 33-c of the navigation law is amended by adding a new subdivision 11-a to read as follows:

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

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11-A. THE DEPARTMENT IS HEREBY DIRECTED TO REQUEST FROM THE FEDERAL ENVIRONMENTAL PROTECTION AGENCY, PURSUANT TO 40 C.F.R. S 140.4, A DESIGNATION THAT WATERS OF THIS STATE WITHIN THE MARINE JURISDICTIONAL BOUNDARIES OF WESTCHESTER COUNTY, (MID-POINT OF THE HUDSON RIVER AND THE LONG ISLAND SOUND), BE DEEMED A "NO-DISCHARGE ZONE." SUCH REQUEST SHALL BE MADE NO LATER THAN SIXTY DAYS AFTER THE EFFECTIVE DATE OF THIS SUBDIVISION.

S 3. This act shall take effect immediately.