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

6035

2009-2010 Regular Sessions

I N A S S E M B L Y

February 24, 2009

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

AN ACT to amend the environmental conservation law and the state finance law, in relation to control of aquatic invasive species

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

Section 1. The legislature finds that some non-indigenous species and certain pathogens have the potential to cause economic, environmental and health and safety damage to the state and that current efforts to stop the introduction of non-indigenous species and certain pathogens from shipping vessels do not adequately reduce the risk of new introductions into the Great Lakes watershed. New York's interest in protecting the health, safety and welfare of its citizens, natural resources and environment is a legitimate local interest falling well within the traditional police powers of the several states.

The legislature, however, recognizes the international ramifications and the rapidly changing dimensions of this issue, as well as the difficulty that any one state has in either legally or practically managing this issue. Congress, however, recognizing that the state and the federal government should work in concert on this issue, inserted into the National Invasive Species Act of 1996, 16 U.S.C. S 4701 et. seq., a specific provision, a savings clause, at 16 U.S.C. S 4725, which disclaims congressional intent to preempt states from acting to control non-indigenous species. Acknowledging the possible limits of state jurisdiction over international waters, the legislature declares its support for the efforts of the United States Coast Guard and international maritime organizations. New York intends to complement the United States Coast Guard's ballast water management program.

S 2. Subdivisions 1 and 2 of section 17-0303 of the environmental conservation law, subdivision 2 as amended by chapter 801 of the laws of 1973, are amended to read as follows:

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

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1. The provisions of this section shall apply only to titles 1 to 11, inclusive, and [title] TITLES 19 AND 21 of this article.

2. The department shall have administrative jurisdiction to abate and prevent the pollution of waters of the state in the manner herein provided in accordance with the classification of waters adopted by the department pursuant to section 17-0301 OF THIS TITLE and in accordance with standards, criteria, limitations, rules and regulations and permit conditions adopted, promulgated or applied by the department pursuant to [title] TITLES 8 [hereof] AND 21 OF THIS ARTICLE.

S 3. Subdivision 1 of section 17-0901 of the environmental conservation law, as amended by chapter 801 of the laws of 1973, is amended to read as follows:

1. Public hearings shall be conducted by the commissioner, or his duly designated representative or representatives prior to issuance of an order directing any person to discontinue discharge of sewage, industrial waste or other wastes which contravene the standards established for any waters of the state or standards, criteria, limitations, rules or regulations promulgated or applied pursuant to title 8 [hereof] OR TITLE 21 OF THIS ARTICLE.

S 4. Subdivisions 1, 2 and 6 of section 17-0905 of the environmental conservation law, subdivision 6 as amended by chapter 400 of the laws of 1973, are amended to read as follows:

1. The commissioner may, on his own motion, investigate or make inquiry, in a manner to be determined by him, as to the condition of any of the waters of the state and as to any alleged act of pollution or omission or failure to comply with any provisions of titles 1 to 11, inclusive, or [title] TITLES 19 OR 21 of this article.

2. Whenever it shall appear to the commissioner, after investigation, that there has been a violation of any of the provisions of titles 1 to 11, inclusive, or [title] TITLES 19 OR 21 of this article, he shall give written notice to the alleged violator or violators setting forth any thing or act done or omitted to be done or claimed to be in violation of any such provisions, and requiring that the matters complained of be corrected, or that the alleged violator appear in person or by attorney before the [commisisoner] COMMISSIONER or his OR HER duly designated representative, at the time and place in said notice specified, and answer the charges complained of.

6. The burden of proof with respect to violations of or liability imposed by titles 1 to 11, inclusive, and [title] TITLES 19 AND 21 of this article shall, except as otherwise provided in section 71-1941 OF THIS CHAPTER, be upon the department.

S 5. Subdivision 1 of section 17-0907 of the environmental conservation law is amended to read as follows:

1. This section shall apply only to titles 1 to 11, inclusive, and [title] TITLES 19 AND 21 of this article.

S 6. Subdivision 1 of section 17-0909 of the environmental conservation law is amended to read as follows:

1. The provisions of this section shall apply only to titles 1 to 11, inclusive, and [title] TITLES 19 AND 21 of this article.

S 7. Sections 17-1101, 17-1103, 17-1105 and 17-1107 of the environmental conservation law are amended to read as follows:

S 17-1101. Existing rights and remedies preserved.

It is the purpose of titles 1 to 11, inclusive, and [title] TITLES 19 AND 21 of this article to provide additional and cumulative remedies to abate the pollution of the waters of the state and nothing herein contained shall abridge or alter rights of action or remedies now or

hereafter existing, nor shall any such provisions or any act done by virtue of such provisions, be construed as estopping the state, persons or municipalities, as riparian owners or otherwise, in the exercise of their rights to suppress nuisances or to abate any pollution now or hereafter existing.

S 17-1103. Persons other than the state acquire no actionable rights.

The bases for proceedings or actions resulting from the violations of the prohibitions contained in titles 1 to 11, inclusive, and [title] TITLES 19 AND 21 of this article inure solely to and are for the benefit of the people generally of the state of New York, and it is not intended to in any way create new, or enlarge existing rights of riparian owners or others. A determination by the department or the commissioner that pollution exists or that violations of any such prohibitions have occurred or are occurring, whether or not a proceeding or action may be brought by the state, shall create by reason thereof no presumptions of law or findings of fact inuring to or for the benefit of persons other than the state.

S 17-1105. Conflicting laws.

Titles 1 to 11, inclusive, and [title] TITLES 19 AND 21 of this article shall not be construed as repealing any of the laws relating to the pollution of the waters of the state not herein expressly repealed, but shall be held and construed as ancillary to and supplementing the same and in addition to the laws now in force, except as the same may be in direct conflict herewith.

S 17-1107. Other Environmental Conservation Laws to remain in effect.

Nothing contained in titles 1 to 11, inclusive, and [title] TITLES 19 AND 21 of this article shall be construed as amending or repealing sections 11-0503 or 13-0345 OF THIS CHAPTER and any parts of said sections inconsistent with the provisions of titles 1 to 11, inclusive, and [title] TITLES 19 AND 21 of this article or with any rule, regulation, order or determination authorized by titles 1 to 11, inclusive, and [title] TITLES 19 AND 21 of this article shall be held to be effective.

S 8. Article 17 of the environmental conservation law is amended by adding a new title 21 to read as follows:

TITLE 21

AQUATIC INVASIVE SPECIES CONTROL

SECTION 17-2101. SHORT TITLE.
17-2102. FINDINGS.
17-2103. DEFINITIONS.
17-2105. APPLICABILITY.
17-2107. RULES, REGULATIONS AND STANDARDS.
17-2109. NOTIFICATION AND REPORTING.
17-2111. DISCHARGE/RELEASE PERMIT.
17-2113. ENFORCEMENT; VIOLATIONS AND PENALTIES.
17-2115. AQUATIC INVASIVE SPECIES CONTROL FUND.

S 17-2101. SHORT TITLE.

THIS TITLE SHALL BE KNOWN AND MAY BE CITED AS THE "AQUATIC INVASIVE SPECIES CONTROL ACT".

S 17-2102. FINDINGS.

THE LEGISLATURE FINDS THAT AQUATIC INVASIVE SPECIES ALREADY INTRODUCED INTO THE GREAT LAKES, PREDOMINANTLY THROUGH BALLAST WATER DISCHARGES BUT ALSO THROUGH OTHER PATHWAYS FROM OCEANGOING VESSELS, HAVE LED TO SIGNIFICANT ECOLOGICAL AND ECONOMIC IMPACTS. AT LEAST ONE HUNDRED EIGHTY AQUATIC INVASIVE SPECIES ARE ESTABLISHED IN THE GREAT LAKES. SINCE THE

OPENING OF THE ST. LAWRENCE SEAWAY IN NINETEEN HUNDRED FIFTY-NINE, BALLAST WATER DISCHARGES FROM OCEANGOING VESSELS HAVE BEEN IMPLICATED IN MORE THAN TWO-THIRDS OF THE INTRODUCTIONS OF NEW AQUATIC INVASIVE SPECIES IN THE GREAT LAKES.

THE LEGISLATURE FURTHER FINDS THAT THE AQUATIC INVASIVE SPECIES INTRODUCED INTO THE GREAT LAKES, SUCH AS THE ZEBRA MUSSEL, RUFFE, GOBY, AND SPINY WATER FLEA, HAVE COMPETED WITH AND PREYED UPON NATIVE PLANTS, FISH AND WILDLIFE, RESULTING IN DRAMATIC DECREASES IN POPULATION SIZES, COMPROMISED SPECIES VIABILITY, AND SERIOUS ALTERATIONS TO THE ECOSYSTEM. THESE IMPACTS MAY BE IRREVERSIBLE.

THE LEGISLATURE FURTHER FINDS THAT AQUATIC INVASIVE SPECIES HAVE HARMED THE GREAT LAKES' COMMERCIAL AND RECREATIONAL FISHING INDUSTRIES AND DAMAGED WATER SUPPLY AND ENERGY PRODUCTION INFRASTRUCTURE. THESE DAMAGES HAVE RESULTED IN BILLIONS OF DOLLARS OF ECONOMIC DISRUPTION; INCLUDING MORE THAN 1.5 BILLION DOLLARS EXPENDED TO ADDRESS THE IMPACTS OF THE ZEBRA MUSSEL IN THE GREAT LAKES.

THE LEGISLATURE FURTHER FINDS THAT BECAUSE ALL OCEANGOING VESSELS ENTERING THE GREAT LAKES MUST PASS THROUGH NEW YORK STATE'S GREAT LAKES WATERS, REGARDLESS OF WHETHER THEY STOP AT NEW YORK STATE PORTS, NEW YORK WATERS ARE VULNERABLE TO RELEASE AND INTRODUCTION OF AQUATIC INVASIVE SPECIES.

THE LEGISLATURE FURTHER FINDS THAT AN OCEANGOING VESSEL CAN CARRY AQUATIC INVASIVE SPECIES IN A VARIETY OF LOCATIONS ON THE VESSEL, INCLUDING THE BALLAST WATER, ANCHOR CHAIN, SEA CHEST, AND HULL, AND SUCH VESSELS ARE TYPICALLY CAPABLE OF DISCHARGING OR RELEASING SUCH INVASIVE SPECIES INTO STATE WATERS WHETHER INTENTIONALLY OR ACCIDENTALLY.

THE LEGISLATURE FURTHER FINDS THAT THE PROPHYLACTIC MEASURE OF REQUIRING PERMITS FOR VESSELS CAPABLE OF DISCHARGING OR RELEASING AQUATIC INVASIVE SPECIES INTO STATE WATERS IS NECESSARY TO EFFECTIVELY CONTROL THE INTRODUCTION OF INVASIVE SPECIES BY OCEANGOING VESSELS, GIVEN THAT OCEANGOING VESSELS ARE IMPORTANT AND HISTORICALLY UNDER-REGULATED CONTRIBUTORS TO SUCH INTRODUCTIONS.

THE LEGISLATURE FURTHER FINDS THAT THE THREAT OF NEW INTRODUCTIONS OF AQUATIC INVASIVE SPECIES IN THE GREAT LAKES IS REAL AND GROWING. INTRODUCTION OF A NEW AQUATIC INVASIVE SPECIES ANYWHERE IN THE GREAT LAKES POSES A THREAT TO THE ENTIRE GREAT LAKES ECOSYSTEM, INCLUDING THE WATERS OF THE STATE.

THE LEGISLATURE FURTHER FINDS THAT IN TWO THOUSAND FIVE THE STATE OF MICHIGAN CREATED THE GREAT LAKES AQUATIC NUISANCE SPECIES COALITION TO BRING STATES TOGETHER TO COLLABORATIVELY DEVISE CONSISTENT STATE REGULATIONS TO MANAGE DISCHARGE OF AQUATIC INVASIVE SPECIES FROM OCEANGOING VESSEL BALLAST WATER TO PROTECT THE GREAT LAKES. NEW YORK STATE CARRIES A SINGULAR OBLIGATION TO ACTIVELY PARTICIPATE IN THE GREAT LAKES AQUATIC NUISANCE SPECIES COALITION AND TO SUPPORT THE COALITION'S MISSION.

S 17-2103. DEFINITIONS.

AS USED IN THIS TITLE:

1. "AQUATIC INVASIVE SPECIES" MEANS A NON-INDIGENOUS SPECIES THAT THREATENS OR COULD THREATEN THE DIVERSITY OR ABUNDANCE OF NATIVE SPECIES OR THE ECOLOGICAL STABILITY OF INFESTED WATERS, OR COMMERCIAL, AGRICULTURAL, AQUACULTURAL, OR RECREATIONAL ACTIVITIES DEPENDENT ON SUCH WATERS.

2. "BALLAST TANK" MEANS ANY TANK OR HOLD ON A VESSEL USED FOR CARRYING BALLAST WATER, WHETHER OR NOT THE TANK OR HOLD WAS DESIGNED FOR THAT PURPOSE.

3. "BALLAST WATER" MEANS ANY WATER AND ASSOCIATED MATTER TAKEN ON BOARD A VESSEL TO CONTROL OR MAINTAIN TRIM, DRAFT, STABILITY OR STRESS OF THE VESSEL, WITHOUT REGARD TO THE MANNER IN WHICH IT IS CARRIED.

4. "BALLAST WATER TREATMENT METHOD" MEANS A METHOD OF TREATING BALLAST WATER AND SEDIMENTS TO REMOVE OR DESTROY LIVING BIOLOGICAL ORGANISMS THROUGH ONE OR MORE OF THE FOLLOWING:

(A) FILTRATION;

(B) THE APPLICATION OF BIOCIDES OR ULTRAVIOLET LIGHT;

(C) THERMAL METHODS;

(D) DEOXYGENATION; OR

(E) OTHER TREATMENT TECHNIQUES APPROVED BY THE DEPARTMENT.

5. "EXCHANGE" MEANS TO REPLACE THE WATER IN A BALLAST TANK USING ONE OF THE FOLLOWING METHODS:

(A) FLOW THROUGH EXCHANGE MEANS TO FLUSH OUT BALLAST WATER BY PUMPING IN MID-OCEAN WATER AT THE BOTTOM OF THE BALLAST TANK AND CONTINUOUSLY OVERFLOWING THE TANK FROM THE TOP UNTIL THREE FULL VOLUMES OF WATER HAVE BEEN CHANGED TO MINIMIZE THE NUMBER OF ORIGINAL ORGANISMS REMAINING IN THE TANK.

(B) EMPTY/REFILL EXCHANGE MEANS TO PUMP OUT THE BALLAST WATER UNTIL THE BALLAST TANK IS EMPTY OR AS CLOSE TO EMPTY AS THE MASTER OR OPERATOR OF THE VESSEL DETERMINES IS SAFE, THEN REFILLING IT WITH MID-OCEAN WATER; MASTERS/OPERATORS SHOULD PUMP OUT AS CLOSE TO ONE HUNDRED PERCENT OF THE BALLAST WATER AS IS SAFE TO DO SO.

6. "GREAT LAKES" MEANS LAKE ONTARIO, LAKE ERIE, LAKE HURON (INCLUDING LAKE ST. CLAIR), LAKE MICHIGAN, LAKE SUPERIOR, AND THE CONNECTING CHANNELS (SAINT MARY'S RIVER, SAINT CLAIR RIVER, DETROIT RIVER, NIAGARA RIVER, AND SAINT LAWRENCE RIVER TO THE CANADIAN BORDER), AND INCLUDES ALL OTHER BODIES OF WATER WITHIN THE DRAINAGE BASIN OF SUCH LAKES AND CONNECTING CHANNELS.

7. "GREAT LAKES WATERS OF THE STATE" SHALL MEAN THE WATERS OF THE STATE WITHIN THE GREAT LAKES.

8. "NON-INDIGENOUS SPECIES" MEANS ANY SPECIES OR OTHER VIABLE BIOLOGICAL MATERIAL THAT ENTERS AN ECOSYSTEM BEYOND ITS HISTORIC RANGE, INCLUDING ANY SUCH ORGANISM TRANSFERRED FROM ONE COUNTRY INTO ANOTHER.

9. "OCEANGOING VESSEL" MEANS A VESSEL THAT OPERATES ON THE GREAT LAKES OR THE ST. LAWRENCE WATERWAY AFTER OPERATING IN COASTAL OR OCEAN WATERS OUTSIDE OF THE GREAT LAKES OR THE ST. LAWRENCE WATERWAY, INCLUDING OPEN-OCEAN VESSELS AND VESSELS THAT REMAIN ENTIRELY WITHIN COASTAL WATERS LESS THAN TWO HUNDRED NAUTICAL MILES FROM SHORE.

10. "OPEN SEA EXCHANGE" MEANS AN EXCHANGE THAT OCCURS MORE THAN FIFTY NAUTICAL MILES FROM ANY SHORE. IF THE UNITED STATES COAST GUARD REQUIRES A VESSEL TO CONDUCT AN EXCHANGE FURTHER OFFSHORE, THEN THAT DISTANCE IS THE REQUIRED DISTANCE FOR PURPOSES OF COMPLIANCE WITH THIS TITLE.

11. "OPERATOR" INCLUDES MASTER, AGENT, PERSON-IN-CHARGE OR CHARTERER.

12. "PERSON" OR "PERSONS" MEANS ANY INDIVIDUAL, PUBLIC OR PRIVATE CORPORATION, POLITICAL SUBDIVISION, GOVERNMENT AGENCY, MUNICIPALITY, INDUSTRY, CO-PARTNERSHIP, ASSOCIATION, FIRM, TRUST, ESTATE OR ANY OTHER LEGAL ENTITY WHATSOEVER.

13. "RECOGNIZED MARINE TRADE ASSOCIATION" MEANS THOSE TRADE ASSOCIATIONS IN THE STATE THAT PROMOTE IMPROVED BALLAST WATER MANAGEMENT PRACTICES BY EDUCATING THEIR MEMBERS ON THE PROVISIONS OF THIS TITLE, PARTICIPATING IN REGIONAL BALLAST WATER COORDINATION, ASSISTING THE DEPARTMENT IN THE COLLECTION OF BALLAST WATER EXCHANGE FORMS, AND THE MONITORING OF BALLAST WATER.

14. "SEDIMENT" MEANS ANY MATTER SETTLED OUT OF BALLAST WATER WITHIN A VESSEL.

15. "VECTOR" MEANS A PATHWAY AND MECHANISM FOR ENTRY FOR AQUATIC INVASIVE SPECIES INTO THE GREAT LAKES WATERS OF THE STATE.

16. "VESSEL" MEANS A SELF-PROPELLED SHIP IN COMMERCE OF THREE HUNDRED GROSS TONS OR MORE.

17. "VOYAGE" MEANS ANY TRANSIT BY A VESSEL IN THE GREAT LAKES WATERS OF THE STATE.

18. "WATERS OF THE STATE" SHALL HAVE THE SAME MEANING AS PROVIDED IN SUBDIVISION 2 OF SECTION 17-0105 OF THIS ARTICLE.

S 17-2105. APPLICABILITY.

1. THIS TITLE SHALL APPLY TO ALL OCEANGOING VESSELS ENTERING, TRAVERSING OR OPERATING IN THE GREAT LAKES WATERS OF THE STATE, EXCEPT A VESSEL OF THE UNITED STATES DEPARTMENT OF DEFENSE OR UNITED STATES COAST GUARD SUBJECT TO THE REQUIREMENTS OF 16 U.S.C. 4713, OR ANY VESSEL OF THE ARMED FORCES AS DEFINED IN THE FEDERAL WATER POLLUTION CONTROL ACT (33 U.S.C. 1322(A)) THAT IS SUBJECT TO THE "UNIFORM NATIONAL DISCHARGE STANDARDS FOR VESSELS OF THE ARMED FORCES" (33 U.S.C. 1322(N)).

2. THIS TITLE SHALL NOT BE DEEMED TO AUTHORIZE THE DISCHARGE OF OIL OR NOXIOUS LIQUID SUBSTANCES IN A MANNER PROHIBITED BY STATE, FEDERAL, OR INTERNATIONAL LAWS OR REGULATIONS. BALLAST WATER CONTAINING OR CARRIED IN ANY TANK CONTAINING A RESIDUE OF OIL, NOXIOUS LIQUID SUBSTANCES, OR ANY OTHER POLLUTANT SHALL BE DISCHARGED IN ACCORDANCE WITH THE APPLICABLE LAWS AND REGULATIONS.

3. NOTHING IN THIS TITLE SHALL BE CONSTRUED TO RELIEVE THE OPERATOR IN CHARGE OF A VESSEL OF THE RESPONSIBILITY FOR ENSURING THE SAFETY AND STABILITY OF THE VESSEL OR THE SAFETY OF THE CREW AND PASSENGERS.

S 17-2107. RULES, REGULATIONS AND STANDARDS.

THE DEPARTMENT SHALL PROMULGATE AND ADOPT RULES, REGULATIONS AND STANDARDS TO IMPLEMENT THIS TITLE, AND IN DOING SO MAY CONSULT WITH THE STATE DEPARTMENT OF HEALTH, REGULATED INDUSTRIES AND POTENTIALLY AFFECTED PARTIES, INCLUDING BUT NOT LIMITED TO SHIPPING INTERESTS, PORTS, SHELLFISH GROWERS, FISHERIES, AQUACULTURE INTERESTS, ENVIRONMENTAL INTERESTS, INTERESTED CITIZENS WHO HAVE KNOWLEDGE OF THE ISSUES, AND APPROPRIATE GOVERNMENTAL REPRESENTATIVES INCLUDING THE UNITED STATES COAST GUARD.

S 17-2109. NOTIFICATION AND REPORTING.

BEGINNING JANUARY FIRST, TWO THOUSAND TEN, ALL OCEANGOING VESSELS ENTERING, TRAVERSING OR OPERATING IN THE GREAT LAKES WATERS OF THE STATE SHALL NOTIFY THE DEPARTMENT OF SUCH OPERATION AND, IF THE VESSEL IS EQUIPPED WITH A BALLAST TANK, REPORT TO THE DEPARTMENT BALLAST WATER MANAGEMENT INFORMATION USING BALLAST WATER REPORTING FORMS THAT ARE ACCEPTABLE TO THE UNITED STATES COAST GUARD OR OTHERWISE DESIGNATED BY THE DEPARTMENT IF COAST GUARD FORMS ARE NOT AVAILABLE. THE FREQUENCY AND MANNER OF SUCH NOTIFICATION AND REPORTING SHALL BE ESTABLISHED BY THE DEPARTMENT BY RULE.

S 17-2111. DISCHARGE/RELEASE PERMIT.

1. BEGINNING JANUARY FIRST, TWO THOUSAND TEN, ALL OCEANGOING VESSELS ENTERING, TRAVERSING OR OPERATING IN THE GREAT LAKES WATERS OF THE STATE SHALL OBTAIN A PERMIT FROM THE DEPARTMENT. NO VESSEL SUBJECT TO THE REQUIREMENTS OF THIS SECTION MAY BE OPERATED IN THE GREAT LAKES WATERS OF THE STATE WITHOUT SUCH PERMIT.

2. A VESSEL SHALL BE EXEMPT FROM THE PERMIT REQUIREMENT OF THIS SECTION ONLY IF THE OWNER OR OPERATOR OF THE VESSEL DEMONSTRATES TO THE DEPARTMENT THAT THE VESSEL HAS NO CAPABILITY OR POTENTIAL TO DISCHARGE OR RELEASE NON-INDIGENOUS AQUATIC INVASIVE SPECIES INTO THE GREAT LAKES WATERS OF THE STATE BY ANY VECTOR. A DESIGNATION OR CLAIM OF NO BALLAST ON BOARD (NOBOB) SHALL NOT BE SUFFICIENT TO EXEMPT A VESSEL FROM THE

PERMIT REQUIREMENT OF THIS SECTION. THE DEPARTMENT SHALL REASSESS THE EXEMPT STATUS OF ANY VESSEL COVERED BY THIS TITLE ANNUALLY. EXEMPTION FROM THE PERMIT REQUIREMENTS OF THIS SECTION SHALL NOT EXEMPT A VESSEL FROM THE NOTIFICATION AND REPORTING OBLIGATIONS OF SECTION 17-2109 OF THIS TITLE.

3. UPON SUBMITTAL OF A COMPLETE APPLICATION FOR A PERMIT, THE DEPARTMENT SHALL ISSUE OR DENY A PERMIT. THE DEPARTMENT SHALL ISSUE A PERMIT ONLY IF THE APPLICANT DEMONSTRATES TO THE DEPARTMENT THAT:

(A) THE OPERATOR OF THE VESSEL WILL USE ENVIRONMENTALLY SOUND TECHNOLOGY AND METHODS PRIOR TO ENTRY INTO THE GREAT LAKES WATERS OF THE STATE TO PREVENT THE DISCHARGE OR RELEASE OF AQUATIC INVASIVE SPECIES; AND

(B) ALL OTHER APPLICABLE PROCEDURAL REQUIREMENTS CONTAINED IN THIS CHAPTER OR DESIGNATED BY RULE ARE SATISFIED.

THE DEPARTMENT SHALL DENY A PERMIT IF THE PERMIT APPLICATION CONTAINS MISLEADING OR FALSE INFORMATION. ADDITIONAL GROUNDS FOR DENIAL OF A PERMIT SHALL BE ESTABLISHED BY THE DEPARTMENT IN RULES.

4. AN OCEANGOING VESSEL SHALL BE DEEMED TO USE ENVIRONMENTALLY SOUND TECHNOLOGY AND METHODS TO PREVENT THE DISCHARGE OR RELEASE OF AQUATIC INVASIVE SPECIES IF:

(A) THE OPERATOR OF A VESSEL EQUIPPED WITH A BALLAST TANK:

(I) CONDUCTS AN OPEN SEA EXCHANGE OF BALLAST WATER THAT MEETS THE STANDARDS SET BY THE DEPARTMENT; OR

(II) USES A BALLAST WATER TREATMENT METHOD THAT MEETS THE STANDARDS SET BY THE DEPARTMENT; OR

(III) USES ALTERNATIVE TECHNOLOGY AND METHODS DETERMINED BY THE DEPARTMENT TO BE AT LEAST AS EFFECTIVE AS THE TECHNOLOGY AND METHODS DESCRIBED IN SUBPARAGRAPHS (I) AND (II) OF THIS PARAGRAPH INCLUSIVE IN PREVENTING AND CONTROLLING INFESTATIONS OF AQUATIC INVASIVE SPECIES VIA BALLAST WATER; AND

(B) THE OPERATOR OF ANY VESSEL USES TECHNOLOGY AND METHODS DETERMINED BY THE DEPARTMENT TO BE EFFECTIVE AND NECESSARY TO PREVENT AND CONTROL INFESTATIONS OF AQUATIC INVASIVE SPECIES VIA VECTORS OTHER THAN BALLAST WATER.

5. IF THE DEPARTMENT ISSUES A PERMIT FOR A VESSEL, THE PERMIT SHALL INCLUDE TERMS THAT ARE NECESSARY TO ENSURE COMPLIANCE WITH THIS TITLE AND ASSOCIATED RULES, REGULATIONS, STANDARDS, PROTOCOLS AND ORDERS. NO PERSON ISSUED A PERMIT SHALL VIOLATE THE TERMS OF THE PERMIT.

6. BY JANUARY FIRST, TWO THOUSAND TEN, THE DEPARTMENT SHALL SET STANDARDS FOR THE DISCHARGE OF UNTREATED BALLAST WATER AND ASSOCIATED SEDIMENT INTO THE GREAT LAKES WATERS OF THE STATE. SUCH STANDARDS SHALL ENSURE THAT THE DISCHARGE OF UNTREATED BALLAST WATER POSES MINIMAL RISK OF INTRODUCING NON-INDIGENOUS SPECIES. IN DEVELOPING SUCH STANDARDS THE DEPARTMENT SHALL CONSIDER THE BEST AVAILABLE TECHNOLOGY AND THE EXTENT TO WHICH THE TECHNOLOGY IS PRACTICALLY FEASIBLE. THE STANDARDS SHALL BE COMPATIBLE WITH STANDARDS SET BY THE UNITED STATES COAST GUARD AND INTERNATIONAL TREATIES TO THE EXTENT APPROPRIATE WITHOUT COMPROMISING THE PURPOSES OF THIS TITLE.

7. BY JANUARY FIRST, TWO THOUSAND TEN, THE DEPARTMENT SHALL SET STANDARDS FOR ENVIRONMENTALLY SOUND METHODS OF TREATING BALLAST WATER AND ASSOCIATED SEDIMENT THAT MAY BE DISCHARGED INTO THE GREAT LAKES WATERS OF THE STATE. SUCH STANDARDS SHALL ENSURE THAT THE DISCHARGE OF TREATED BALLAST WATER POSES MINIMAL RISK OF INTRODUCING NON-INDIGENOUS SPECIES AND COMPLIES WITH ALL RELEVANT STATE AND FEDERAL LAWS. IN DEVELOPING SUCH STANDARDS, THE DEPARTMENT SHALL CONSIDER THE BEST AVAILABLE TECHNOLOGY AND THE EXTENT TO WHICH THE TECHNOLOGY IS PRACTICALLY FEASIBLE. THE STANDARDS SHALL BE COMPATIBLE WITH STANDARDS SET BY THE UNITED

STATES COAST GUARD AND INTERNATIONAL TREATIES TO THE EXTENT APPROPRIATE WITHOUT COMPROMISING THE PURPOSES OF THIS TITLE.

8. BY JANUARY FIRST, TWO THOUSAND TEN, THE DEPARTMENT SHALL SET STANDARDS FOR ENVIRONMENTALLY SOUND METHODS OF PREVENTING AND CONTROLLING THE RELEASE OF AQUATIC INVASIVE SPECIES INTO THE GREAT LAKES WATERS OF THE STATE FROM VESSELS BY VECTORS OTHER THAN BALLAST WATER. IN DEVELOPING SUCH STANDARDS THE DEPARTMENT SHALL CONSIDER THE BEST AVAILABLE TECHNOLOGY AND THE EXTENT TO WHICH THE TECHNOLOGY IS PRACTICALLY FEASIBLE. THE STANDARDS SHALL BE COMPATIBLE WITH STANDARDS SET BY THE UNITED STATES COAST GUARD AND INTERNATIONAL TREATIES TO THE EXTENT APPROPRIATE WITHOUT COMPROMISING THE PURPOSES OF THIS TITLE.

9. BY JANUARY FIRST, TWO THOUSAND TEN, THE DEPARTMENT SHALL ADOPT SAMPLING AND TESTING PROTOCOLS FOR MONITORING THE BIOLOGICAL COMPONENTS OF BALLAST WATER AND ASSOCIATED SEDIMENT AND OF NON-BALLAST VECTORS THAT MAY BE DISCHARGED INTO THE GREAT LAKES WATERS OF THE STATE. THE SAMPLING AND TESTING PROTOCOLS MUST CONSIST OF COST-EFFECTIVE, SCIENTIFICALLY VERIFIABLE METHODS THAT, TO THE EXTENT PRACTICABLE AND WITHOUT COMPROMISING THE PURPOSES OF THIS TITLE, UTILIZE EASILY MEASURED INDICES THAT INDICATE THE PRESENCE OF NON-INDIGENOUS SPECIES OR PATHOGENIC SPECIES. THE DEPARTMENT SHALL SPECIFY APPROPRIATE QUALITY ASSURANCE AND QUALITY CONTROL FOR THE SAMPLING AND TESTING PROTOCOLS.

10. THE OWNER OR OPERATOR OF ANY VESSEL REQUIRING A PERMIT UNDER THIS SECTION MUST ENSURE THAT THE VESSEL UNDER ITS OWNERSHIP OR CONTROL COMPLIES WITH THE FOLLOWING MONITORING, SAMPLING, AND REPORTING REQUIREMENTS:

(A) ALL VESSELS COVERED BY THIS SECTION MUST REPORT TO THE DEPARTMENT BALLAST WATER MANAGEMENT INFORMATION, INCLUDING INDIVIDUAL BALLAST TANK SAMPLE DATA FOR EACH VOYAGE, USING BALLAST WATER REPORTING FORMS THAT ARE ACCEPTABLE TO THE UNITED STATES COAST GUARD OR OTHERWISE DESIGNATED BY THE DEPARTMENT IF COAST GUARD FORMS ARE NOT AVAILABLE, IN A FREQUENCY AND MANNER ESTABLISHED BY THE DEPARTMENT BY RULE;

(B) A VESSEL THAT MEETS THE REPORTING REQUIREMENTS OF PARAGRAPH (A) OF THIS SUBDIVISION SHALL BE DEEMED TO SATISFY THE REPORTING REQUIREMENTS OF SECTION 17-2109 OF THIS TITLE; AND

(C) ALL VESSELS COVERED BY THIS SECTION MUST SUBMIT TO THE DEPARTMENT NON-INDIGENOUS SPECIES MONITORING DATA USING THE MONITORING, SAMPLING, AND TESTING PROTOCOLS ESTABLISHED BY THE DEPARTMENT BY RULE.

11. THE DEPARTMENT SHALL USE MONITORING DATA TO MEASURE THE EFFECTIVENESS OF EFFORTS TO PREVENT THE INTRODUCTION OF NON-INDIGENOUS SPECIES; TO EVALUATE THE RISK OF NEW, NON-INDIGENOUS SPECIES INTRODUCTIONS FROM THE DISCHARGE OF BALLAST WATER; AND TO EVALUATE THE EFFICACY OF BALLAST WATER EXCHANGE PRACTICES AND OTHER METHODS TO PREVENT THE DISCHARGE OR RELEASE OF AQUATIC INVASIVE SPECIES.

12. THE DEPARTMENT SHALL CONSULT WITH FEDERAL AND STATE AGENCIES, REGULATED INDUSTRIES AND POTENTIALLY AFFECTED PARTIES IN CARRYING OUT THE PROVISIONS OF THIS SECTION.

13. THE RULES AND REGULATIONS ADOPTED BY THE DEPARTMENT TO IMPLEMENT THIS TITLE AND THE PROVISIONS OF ARTICLE 70 OF THIS CHAPTER AND RULES AND REGULATIONS THEREUNDER SHALL GOVERN PERMIT APPLICATIONS, ISSUANCE, DENIAL, RENEWALS, MODIFICATIONS, SUSPENSIONS, REVOCATIONS AND REISSUANCES UNDER THIS TITLE.

14. THE APPLICABLE PROCEDURES PROVIDED IN TITLE 9 OF THIS ARTICLE SHALL APPLY TO THIS SECTION.

15. TO CARRY OUT THE PURPOSES OF THIS SECTION OR ANY RULE, REGULATION, ORDER, OR PERMIT ISSUED THEREUNDER, THE DEPARTMENT OR ITS AUTHORIZED

REPRESENTATIVE, UPON PRESENTATION OF APPROPRIATE CREDENTIALS, SHALL AT REASONABLE TIMES:

(A) HAVE A RIGHT OF ENTRY TO, UPON, OR THROUGH ANY VESSEL SUBJECT TO THE PERMIT REQUIREMENT OF THIS SECTION, FOR THE PURPOSE OF INSPECTING AND INVESTIGATING CONDITIONS RELATING TO THE DISCHARGE OR RELEASE, OR POSSIBLE DISCHARGE OR RELEASE, OF AQUATIC INVASIVE SPECIES INTO GREAT LAKES WATERS OF THE STATE;

(B) HAVE ACCESS TO EXAMINE AND COPY ANY RECORDS OR MEMORANDA REQUIRED TO BE MAINTAINED UNDER THIS SECTION;

(C) HAVE ACCESS TO INSPECT ANY MONITORING EQUIPMENT OR METHOD WHICH IS REQUIRED UNDER THIS SECTION;

(D) HAVE ACCESS TO SAMPLE BALLAST WATER AND SEDIMENT AND TO SAMPLE OTHER LOCATIONS ON THE VESSEL THAT THE DEPARTMENT DETERMINES ARE NECESSARY TO ASSESS COMPLIANCE WITH PERMIT TERMS AND THE REQUIREMENTS OF THIS SECTION; AND

(E) MAKE OTHER APPROPRIATE INQUIRIES TO ASSESS THE COMPLIANCE OF ANY VESSEL WITH PERMIT TERMS AND THE REQUIREMENTS OF THIS SECTION.

16. THE DEPARTMENT IS AUTHORIZED TO ESTABLISH A REASONABLE FEE FOR PROCESSING OF PERMIT APPLICATIONS AND ISSUANCE OF PERMITS UNDER THIS SECTION TO COMPENSATE THE DEPARTMENT FOR ITS EXPENSES.

17. THE SCHEDULE OF ANNUAL PERMIT FEES UNDER THE AQUATIC INVASIVE SPECIES CONTROL PROGRAM SHALL BE THE FEES SPECIFIED IN TITLE 12 OF ARTICLE 72 OF THIS CHAPTER.

S 17-2113. ENFORCEMENT; VIOLATIONS AND PENALTIES.

1. EXCEPT AS LIMITED BY SUBDIVISIONS TWO THROUGH FIVE INCLUSIVE OF THIS SECTION, THE PROCEDURES PROVIDED IN SECTIONS 71-1927, 71-1929, 71-1931 AND 71-1935 AND THE APPLICABLE SECTIONS OF TITLE 9 OF THIS ARTICLE SHALL APPLY TO ENFORCEMENT UNDER THIS TITLE.

2. EXCEPT AS LIMITED BY SUBDIVISION THREE OF THIS SECTION, THE COMMISSIONER OR THE COMMISSIONER'S DESIGNEE MAY IMPOSE A CIVIL PENALTY OR WARNING FOR A VIOLATION OF THE REQUIREMENTS OF THIS TITLE ON THE OWNER OR OPERATOR OF A VESSEL WHO FAILS TO COMPLY WITH THE REQUIREMENTS IMPOSED UNDER SECTIONS 17-2109 AND 17-2111 OF THIS TITLE. THE PENALTY SHALL NOT EXCEED TWENTY-FIVE THOUSAND DOLLARS FOR EACH VIOLATION.

3. THE CIVIL PENALTY FOR A VIOLATION OF MONITORING, SAMPLING OR REPORTING REQUIREMENTS OF SECTION 17-2111 OF THIS TITLE SHALL NOT EXCEED TEN THOUSAND DOLLARS FOR EACH VIOLATION.

4. ANY OWNER OR OPERATOR OR ANY MARINE TRADE ASSOCIATION WHO KNOWINGLY, AND WITH INTENT TO DECEIVE, FALSIFIES A BALLAST WATER MANAGEMENT REPORT FORM IS LIABLE FOR A CIVIL PENALTY IN AN AMOUNT NOT TO EXCEED ONE HUNDRED THOUSAND DOLLARS FOR EACH VIOLATION, AND SUCH VIOLATION SHALL CONSTITUTE GROUNDS FOR REVOCATION OF A PERMIT ISSUED UNDER SECTION 17-2111 OF THIS TITLE.

5. IN ASSESSING THE AMOUNT OF ANY SUCH CIVIL PENALTY THE COMMISSIONER OR COURT SHALL CONSIDER:

(A) THE TYPE, EXTENT AND AMOUNT OF DAMAGE AND THE QUALITY AND NATURE OF RISKS CREATED BY THE VIOLATION;

(B) WHETHER THE VIOLATION WAS INTENTIONAL, NEGLIGENT, OR WITHOUT ANY FAULT;

(C) THE DEGREE OF CARE TAKEN BY OR ON BEHALF OF THE PARTY CHARGED TO PREVENT THE OCCURRENCE OF THE VIOLATION;

(D) THE EFFORTS MADE BY OR ON BEHALF OF THE PARTY CHARGED TO REDUCE OR MITIGATE THE DAMAGE WHICH RESULTED FROM THE VIOLATION.

6. SUCH PENALTIES OR REIMBURSEMENTS OR BOTH DUE THE PEOPLE OF THE STATE BY REASON OF THE LIABILITY PROVIDED IN SUBDIVISIONS TWO, THREE AND FOUR OF THIS SECTION MAY BE ASSESSED BY THE COMMISSIONER BY ORDER AFTER

A HEARING OR HEARINGS NOTICED AND CONDUCTED AND REVIEWABLE AS PROVIDED IN TITLE 9 OF THIS ARTICLE.

7. IF THE DEPARTMENT PREVAILS USING ANY JUDICIAL PROCESS TO COLLECT A PENALTY UNDER THIS SECTION, THE DEPARTMENT SHALL ALSO BE AWARDED ITS COSTS AND REASONABLE ATTORNEY'S FEES.

S 17-2115. AQUATIC INVASIVE SPECIES CONTROL FUND.

1. ALL MONEYS, FEES, FINES AND PENALTIES ARISING OUT OF THE ADMINISTRATION AND ENFORCEMENT OF THIS TITLE SHALL BE DEPOSITED IN THE STATE TREASURY AND CREDITED TO THE AQUATIC INVASIVE SPECIES CONTROL FUND ESTABLISHED BY SECTION 83-A OF THE STATE FINANCE LAW AND SHALL BE AVAILABLE FOR THE USES AND PURPOSES OF SUCH FUND.

2. MONEY IN THE FUND SHALL BE USED BY THE COMMISSIONER FOR THE FOLLOWING:

(A) TO PREVENT THE INTRODUCTION OF AQUATIC INVASIVE SPECIES INTO THE GREAT LAKES WATERS OF THE STATE;

(B) TO CONTROL THE SPREAD OF AQUATIC INVASIVE SPECIES INTRODUCED INTO THE GREAT LAKES WATERS OF THE STATE PRIOR TO THE EFFECTIVE DATE OF THIS SECTION;

(C) TO RECLAIM AND REHABILITATE AQUATIC RESOURCES IMPACTED OR INJURED BY AQUATIC INVASIVE SPECIES; AND

(D) TO ADMINISTER THIS TITLE AND THE RULES AND REGULATIONS ADOPTED UNDER THIS TITLE.

S 9. Paragraphs (l) and (m) of subdivision 3 of section 70-0107 of the environmental conservation law, paragraph (l) as added by chapter 723 of the laws of 1977, paragraph (m) as added by chapter 841 of the laws of 1981, are amended and a new paragraph (n) is added to read as follows:

(l) collection, treatment and disposal of refuse and other solid waste (article twenty-seven); [and]

(m) coastal erosion hazard areas (article thirty-four)[.];

(N) AQUATIC INVASIVE SPECIES CONTROL (TITLE TWENTY-ONE OF ARTICLE SEVENTEEN).

S 10. The title heading of title 19 of article 71 of the environmental conservation law, as amended by chapter 400 of the laws of 1973, is amended to read as follows:

ENFORCEMENT OF TITLES 1 THROUGH 11 AND 15 THROUGH [19] 21 INCLUSIVE OF ARTICLE 17 AND SPILLS OF BULK LIQUIDS

S 11. Section 71-1901 of the environmental conservation law is amended to read as follows:

S 71-1901. Applicability of this title.

In addition to the provisions of section 71-0101 and 71-0301 and title 17 of this article, the provisions of this title shall be applicable to the enforcement of titles 1 through 11 and 15 through [19] 21 inclusive of article 17.

S 12. Section 71-1927 of the environmental conservation law is amended to read as follows:

S 71-1927. Enforcement of titles 1 through 11 inclusive and [title] TITLES 19 AND 21 of article 17.

The commissioner is hereby authorized to:

1. Institute or cause to be instituted in a court of competent jurisdiction proceedings to compel compliance with the provisions of titles 1 through 11 inclusive and [title] TITLES 19 AND 21 of article 17 or the determinations and orders of the commissioner.

2. Settle or compromise, with the approval of the Attorney General, any action or cause of action for the recovery of a penalty under titles 1 through 11 inclusive and [title] TITLES 19 AND 21 of article 17 as he may deem advantageous to the state.

S 13. Subdivision 1 of section 71-1929 of the environmental conservation law, as amended by section 37 of part C of chapter 62 of the laws of 2003, is amended to read as follows:

1. A person who violates any of the provisions of, or who fails to perform any duty imposed by titles 1 through 11 inclusive and [title] TITLES 19 AND 21 of article 17, or the rules, regulations, orders or determinations of the commissioner promulgated thereto or the terms of any permit issued thereunder, shall be liable to a penalty of not to exceed thirty-seven thousand five hundred dollars per day for each violation, and, in addition thereto, such person may be enjoined from continuing such violation as hereinafter provided. Violation of a permit condition shall constitute grounds for revocation of such permit, which revocation may be accomplished either as provided in paragraph f of subdivision 4 of section 17-0303 OF THIS CHAPTER or by order of judgment of the supreme court as an alternate or additional civil penalty in an action brought pursuant to subdivision 3 of this section.

S 14. Section 71-1931 of the environmental conservation law, as amended by chapter 360 of the laws of 1988, is amended to read as follows:

S 71-1931. Injunctions.

It shall be the duty of the Attorney General upon the request of the commissioner to bring an action for an injunction against any person violating any of the provisions of titles 1 through 11 inclusive and [title] TITLES 19 AND 21 of article 17 or violating any rule or regulation promulgated pursuant thereto, or any order or determination of the commissioner or a condition of any certificate or permit issued by the department; provided, however, that the department or the commissioner shall furnish the Attorney General with such material, evidentiary matter or proof as may be requested by the Attorney General for the prosecution of such an action. In any action for an injunction brought pursuant hereto any finding of the commissioner or hearing officer or panel appointed and designated by the commissioner shall be prima facie evidence of the fact or facts found therein.

S 15. Section 71-1935 of the environmental conservation law, as amended by chapter 360 of the laws of 1988, is amended to read as follows:

S 71-1935. Emergencies excepted.

The civil and criminal liabilities imposed by sections 71-1929 and 71-1933 of this title upon persons violating the provisions of titles 1 through 11 inclusive and [title] TITLES 19 AND 21 of article 17 and by sections 71-1929 and 71-1933 of this title shall not be construed to include any violation which was caused by an act of God, war, strike, riot or other catastrophe as to which negligence or willful misconduct on the part of such person was not the proximate cause.

S 16. Article 72 of the environmental conservation law is amended by adding a new title 12 to read as follows:

TITLE 12
AQUATIC INVASIVE SPECIES CONTROL PROGRAM FEE

SECTION 72-1201. DEFINITIONS.
72-1202. AQUATIC INVASIVE SPECIES CONTROL PROGRAM FEES.

S 72-1201. DEFINITIONS.

WHEN USED IN THIS TITLE:

(A) "AQUATIC INVASIVE SPECIES CONTROL PROGRAM" MEANS THOSE ACTIVITIES OF THE DEPARTMENT AS SPECIFIED IN TITLE 21 OF ARTICLE 17 OF THIS CHAPTER RELATED TO DISCHARGES INTO THE GREAT LAKES AND ANY RELATED ENFORCEMENT ACTIVITIES.

(B) "PERSON" OR "PERSONS" MEANS ANY INDIVIDUAL, PUBLIC OR PRIVATE CORPORATION, POLITICAL SUBDIVISION, GOVERNMENT AGENCY, MUNICIPALITY, INDUSTRY, CO-PARTNERSHIP, ASSOCIATION, FIRM, TRUST, ESTATE OR ANY OTHER LEGAL ENTITY WHATSOEVER.

S 72-1202. AQUATIC INVASIVE SPECIES CONTROL PROGRAM FEES.

ALL PERSONS ISSUED A PERMIT PURSUANT TO THE AQUATIC INVASIVE SPECIES CONTROL PROGRAM AS DEFINED IN SECTION 72-1201 OF THIS TITLE SHALL SUBMIT ANNUALLY TO THE DEPARTMENT A FEE IN THE AMOUNT OF ONE THOUSAND DOLLARS.

S 17. The state finance law is amended by adding a new section 83-a to read as follows:

S 83-A. AQUATIC INVASIVE SPECIES CONTROL FUND. THERE IS HEREBY ESTABLISHED IN THE CUSTODY OF THE STATE COMPTROLLER A FUND TO BE KNOWN AS THE "AQUATIC INVASIVE SPECIES CONTROL FUND". SUCH FUND SHALL CONSIST OF ALL MONEYS BELONGING TO THE STATE RECEIVED BY THE DEPARTMENT OF ENVIRONMENTAL CONSERVATION FROM THE PERMIT APPLICATION FEES, ANNUAL PERMIT FEES UNDER THE AQUATIC INVASIVE SPECIES CONTROL PROGRAM, AND ALL MONEYS RECEIVED IN ACTIONS FOR PENALTIES OR REIMBURSEMENTS, AND ALL OTHER MONEYS ARISING OUT OF THE APPLICATION OF ANY PROVISIONS UNDER TITLE TWENTY-ONE OF ARTICLE SEVENTEEN OF THE ENVIRONMENTAL CONSERVATION LAW. THESE MONEYS, AFTER APPROPRIATION BY THE LEGISLATURE, SHALL BE AVAILABLE TO THE DEPARTMENT OF ENVIRONMENTAL CONSERVATION FOR THE ADMINISTRATION AND ENFORCEMENT OF THE AQUATIC INVASIVE SPECIES CONTROL PROGRAM, FOR THE PREVENTION AND CONTROL OF AQUATIC INVASIVE SPECIES INTRODUCTIONS, FOR REHABILITATION OF RESOURCES IMPACTED OR INJURED BY AQUATIC INVASIVE SPECIES, AND FOR ALL OTHER PROPER EXPENSES OF THE DEPARTMENT OF ENVIRONMENTAL CONSERVATION IN THE ADMINISTRATION OF THE PROVISIONS OF TITLE TWENTY-ONE OF ARTICLE SEVENTEEN OF THE ENVIRONMENTAL CONSERVATION LAW.

S 18. This act shall take effect one year after it shall have become a law; provided that the department of environmental conservation shall promulgate any and all rules and regulations necessary for the implementation of this act within 180 days after the date of enactment of this act.