

2009-2010 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 7, 2009

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

AN ACT to amend the environmental conservation law, in relation to the cleanup and remediation of lead contaminated parks

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

1 Section 1. Legislative findings. The legislature finds that excessive
2 lead levels present a substantial threat to the health, safety and
3 welfare of the people of this state.
4 One major source of excessive lead levels in New York state is the
5 exhaust emitted from motor vehicles. These exhaust fumes cause lead
6 contamination in the atmosphere, soil, structures and have contaminated
7 parks adjacent or proximate to heavily traveled highways.
8 The legislature further finds that people using parks with lead
9 contamination for recreational reasons are unnecessarily exposed to lead
10 deposit hazards from motor vehicle exhaust. Excessive lead deposits may
11 subject people to possible physical discomfort, physiological damage and
12 lead poisoning, among other potential health hazards.
13 The legislature further finds that there are reasonable, economic and
14 technologically feasible strategies which can be implemented to decrease
15 the risk of harm resulting from excessive exposure to lead, such as the
16 replacement of contaminated materials and the posting of potential
17 hazards in lead contaminated parks.
18 Therefore, the legislature hereby enacts a lead-free parks act as a
19 prudent and necessary action to promote the health and welfare of a
20 substantial number of the state's residents and directs that a lead
21 cleanup study be undertaken for the purpose of planning additional envi-
22 ronmental improvements in conformance with the lead free parks act.
23 S 2. Short title. This act shall be known as the "Lead-free parks
24 act".

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

1 S 3. The environmental conservation law is amended by adding a new
2 section 3-0319 to read as follows:

3 S 3-0319. CLEANUP AND REMEDIATION OF LEAD CONTAMINATED PARKS.

4 1. THE DEPARTMENT SHALL UNDERTAKE A STUDY OF PARKS THROUGHOUT THE
5 STATE THAT ARE ADJACENT OR PROXIMATE TO HEAVILY TRAVELED CITY STREETS
6 AND RURAL AND SUBURBAN HIGHWAYS FOR THE PURPOSES OF IDENTIFYING THE
7 LEVEL OF LEAD CONTAMINATION AT SUCH PARKS. INITIALLY, THE DEPARTMENT
8 SHALL EVALUATE PARKS WITH THE HIGHEST LEVEL OF EXPOSURE TO EXHAUST FUMES
9 EMITTED FROM MOTOR VEHICLES. IN ALL CASES LEAD LEVELS SHALL BE MEASURED
10 SO AS TO REFLECT ACCURATELY THE WORST CASE OF LEAD EXPOSURE AT A SPECIF-
11 IC PARK TO WHICH ANY PERSON WHO IS IN THE PARK AND WITHIN A HAZARDOUS
12 RANGE OF CONTAMINATED MATERIALS COULD BE EXPOSED UNDER NORMAL CONDI-
13 TIONS. SUCH STUDY SHALL EVALUATE THE RANGE OF STRATEGIES AVAILABLE FOR
14 MEETING THE PRESCRIBED SAFE LEAD LEVELS AND MAKE RECOMMENDATIONS AS TO
15 THE MOST ADVISABLE METHODS OF CLEANUP AND REMEDIATION INCLUDING A SCHED-
16 ULE FOR CLEANUP AND REMEDIATION OF ALL LEAD CONTAMINATED STATE OWNED
17 PARKS. PRIORITY SITES BASED UPON DEGREE OF CONTAMINATION AND EXPOSURE TO
18 THE PUBLIC SHALL BE IDENTIFIED FOR CLEANUP AND REMEDIATION. SUCH STUDY
19 SHALL BE SUBMITTED TO THE GOVERNOR AND THE LEGISLATURE WITHIN ONE YEAR
20 AFTER THE EFFECTIVE DATE OF THIS SECTION.

21 2. WITHIN SIX MONTHS OF THE COMPLETION OF THE STUDY CONDUCTED PURSUANT
22 TO SUBDIVISION ONE OF THIS SECTION, THE DEPARTMENT SHALL POST WARNING
23 SIGNS IN EACH PARK IDENTIFIED AS A POTENTIAL HAZARD TO THE PUBLIC
24 BECAUSE OF LEAD CONTAMINATION. THESE SIGNS SHALL POINT OUT THE POSSIBLE
25 HAZARDS ASSOCIATED WITH EXCESSIVE EXPOSURE TO LEAD AND THE ACUTE SYMP-
26 TOMS OF LEAD POISONING, SUCH AS STOMACHACHES, HEADACHES, HYPERACTIVITY,
27 FALLING ASLEEP AT INAPPROPRIATE TIMES, VOMITING, DIARRHEA AND SO ON.

28 3. WITHIN MONEY APPROPRIATED THEREFOR, THE COMMISSIONER SHALL MAKE
29 GRANTS TO COUNTIES, CITIES, TOWNS OR VILLAGES FOR FIFTY PERCENT OF THE
30 COST OF CLEANUP AND REMEDIATION OF LEAD CONTAMINATED PARKS. PREFERENCE
31 IN GRANT AWARDS SHOULD GO FOR PARKS IDENTIFIED AS PRIORITY SITES IN THE
32 DEPARTMENT'S STUDY.

33 4. THE DEPARTMENT SHALL PROMULGATE RULES AND REGULATIONS ESTABLISHING
34 PROCEDURES AND TECHNIQUES FOR CLEANUP AND REMEDIATION OF LEAD CONTAM-
35 INATED PARKS.

36 5. WITHIN ONE YEAR AFTER SUBMISSION OF THE STUDY CONDUCTED PURSUANT TO
37 SUBDIVISION ONE OF THIS SECTION AND ANNUALLY THEREAFTER UNTIL THE PROB-
38 LEM OF LEAD CONTAMINATED PARKS HAS BEEN OVERCOME, THE DEPARTMENT SHALL
39 REPORT TO THE GOVERNOR AND THE LEGISLATURE ON PROGRESS IN REDUCING LEAD
40 LEVELS. THE REPORT SHALL INCLUDE, BUT NOT BE LIMITED TO, AN ITEMIZED
41 SUMMARY OF ALL MONEYS SPENT, BIDS REQUESTED AND RECEIVED, CONTRACTS LET
42 AND ACTUAL WORK DONE ON LEAD REDUCTION PROGRAMS DURING THE PREVIOUS
43 PERIOD. ANY AND ALL LEAD REDUCTION MEASURES MADE DURING THE PREVIOUS
44 PERIOD SHALL BE INCLUDED, WITH, WHENEVER POSSIBLE, ANALYSES OF SUCH
45 MEASURES. SUCH REPORT SHALL ALSO INCLUDE A DETAILED ANALYSIS OF ALL LEAD
46 REDUCTION ACTIVITIES PLANNED FOR THE NEXT TWELVE MONTHS. FOLLOWING THE
47 FIRST TWELVE MONTH INTERVAL, THESE REPORTS SHALL ALSO INCLUDE COMPREHEN-
48 SIVE STATEMENTS OF PROGRESS MADE ON ALL PLANNED LEAD REDUCTION ACTIV-
49 ITIES INCLUDED IN THE PREVIOUS ANNUAL REPORT. TO THE EXTENT, IF ANY,
50 THAT THE DEPARTMENT FAILS TO MEET THE PROVISIONS PRESCRIBED IN SUBDIVI-
51 SION ONE OF THIS SECTION, THE DEPARTMENT SHALL SO STATE AND PROVIDE THE
52 REASONS FOR ITS INABILITY TO MEET SUCH PROVISIONS.

53 S 4. This act shall take effect immediately.