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

2514

2009-2010 Regular Sessions

I N S E N A T E

February 23, 2009

Introduced by Sen. THOMPSON -- read twice and ordered printed, and when printed to be committed 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:

Section 1. Legislative findings. The legislature finds that excessive lead levels present a substantial threat to the health, safety and welfare of the people of this state.

One major source of excessive lead levels in New York state is the exhaust emitted from motor vehicles. These exhaust fumes cause lead contamination in the atmosphere, soil, structures and have contaminated parks adjacent or proximate to heavily traveled highways.

The legislature further finds that people using parks with lead contamination for recreational reasons are unnecessarily exposed to lead deposit hazards from motor vehicle exhaust. Excessive lead deposits may subject people to possible physical discomfort, physiological damage and lead poisoning, among other potential health hazards.

The legislature further finds that there are reasonable, economic and technologically feasible strategies which can be implemented to decrease the risk of harm resulting from excessive exposure to lead, such as the replacement of contaminated materials and the posting of potential hazards in lead contaminated parks.

Therefore, the legislature hereby enacts a lead-free parks act as a prudent and necessary action to promote the health and welfare of a substantial number of the state's residents and directs that a lead cleanup study be undertaken for the purpose of planning additional environmental improvements in conformance with the lead free parks act.

S 2. Short title. This act shall be known as the "Lead-free parks act".

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

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

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

1. THE DEPARTMENT SHALL UNDERTAKE A STUDY OF PARKS THROUGHOUT THE STATE THAT ARE ADJACENT OR PROXIMATE TO HEAVILY TRAVELED CITY STREETS AND RURAL AND SUBURBAN HIGHWAYS FOR THE PURPOSES OF IDENTIFYING THE LEVEL OF LEAD CONTAMINATION AT SUCH PARKS. INITIALLY, THE DEPARTMENT SHALL EVALUATE PARKS WITH THE HIGHEST LEVEL OF EXPOSURE TO EXHAUST FUMES EMITTED FROM MOTOR VEHICLES. IN ALL CASES LEAD LEVELS SHALL BE MEASURED SO AS TO REFLECT ACCURATELY THE WORST CASE OF LEAD EXPOSURE AT A SPECIFIC PARK TO WHICH ANY PERSON WHO IS IN THE PARK AND WITHIN A HAZARDOUS RANGE OF CONTAMINATED MATERIALS COULD BE EXPOSED UNDER NORMAL CONDITIONS. SUCH STUDY SHALL EVALUATE THE RANGE OF STRATEGIES AVAILABLE FOR MEETING THE PRESCRIBED SAFE LEAD LEVELS AND MAKE RECOMMENDATIONS AS TO THE MOST ADVISABLE METHODS OF CLEANUP AND REMEDIATION INCLUDING A SCHEDULE FOR CLEANUP AND REMEDIATION OF ALL LEAD CONTAMINATED STATE OWNED PARKS. PRIORITY SITES BASED UPON DEGREE OF CONTAMINATION AND EXPOSURE TO THE PUBLIC SHALL BE IDENTIFIED FOR CLEANUP AND REMEDIATION. SUCH STUDY SHALL BE SUBMITTED TO THE GOVERNOR AND THE LEGISLATURE WITHIN ONE YEAR AFTER THE EFFECTIVE DATE OF THIS SECTION.

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

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

4. THE DEPARTMENT SHALL PROMULGATE RULES AND REGULATIONS ESTABLISHING PROCEDURES AND TECHNIQUES FOR CLEANUP AND REMEDIATION OF LEAD CONTAMINATED PARKS.

5. WITHIN ONE YEAR AFTER SUBMISSION OF THE STUDY CONDUCTED PURSUANT TO SUBDIVISION ONE OF THIS SECTION AND ANNUALLY THEREAFTER UNTIL THE PROBLEM OF LEAD CONTAMINATED PARKS HAS BEEN OVERCOME, THE DEPARTMENT SHALL REPORT TO THE GOVERNOR AND THE LEGISLATURE ON PROGRESS IN REDUCING LEAD LEVELS. THE REPORT SHALL INCLUDE, BUT NOT BE LIMITED TO, AN ITEMIZED SUMMARY OF ALL MONEYS SPENT, BIDS REQUESTED AND RECEIVED, CONTRACTS LET AND ACTUAL WORK DONE ON LEAD REDUCTION PROGRAMS DURING THE PREVIOUS PERIOD. ANY AND ALL LEAD REDUCTION MEASURES MADE DURING THE PREVIOUS PERIOD SHALL BE INCLUDED, WITH, WHENEVER POSSIBLE, ANALYSES OF SUCH MEASURES. SUCH REPORT SHALL ALSO INCLUDE A DETAILED ANALYSIS OF ALL LEAD REDUCTION ACTIVITIES PLANNED FOR THE NEXT TWELVE MONTHS. FOLLOWING THE FIRST TWELVE MONTH INTERVAL, THESE REPORTS SHALL ALSO INCLUDE COMPREHENSIVE STATEMENTS OF PROGRESS MADE ON ALL PLANNED LEAD REDUCTION ACTIVITIES INCLUDED IN THE PREVIOUS ANNUAL REPORT. TO THE EXTENT, IF ANY, THAT THE DEPARTMENT FAILS TO MEET THE PROVISIONS PRESCRIBED IN SUBDIVISION ONE OF THIS SECTION, THE DEPARTMENT SHALL SO STATE AND PROVIDE THE REASONS FOR ITS INABILITY TO MEET SUCH PROVISIONS.

S 4. This act shall take effect immediately.