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

4833

2009-2010 Regular Sessions

I N S E N A T E

April 27, 2009

Introduced by Sen. GOLDEN -- read twice and ordered printed, and when printed to be committed to the Committee on Environmental Conservation

AN ACT to require the creation of the Hudson stormwater plan

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

Section 1. Legislative findings. The legislature hereby finds and declares that it is to the advantage of the city of New York and of the state of New York to enact policies to create a network of source controls to detain or capture over one billion additional gallons of stormwater, and additionally to continue ongoing source control efforts, establish new design guidelines for public projects, change sewer codes to adopt performance standards for new development, improve public notification of combined sewer overflows, plan for the implementation of promising source control scenarios, and to broaden funding options for cost-effective source controls.

The legislature further finds and declares that New York city's dense mix of buildings, streets, and other man-made structures generates stormwater runoff which can pollute waterways and flood roads, subways, and basements, and that stormwater management will become more urgent with the intense and frequent rainfall expected from the effects of climate change.

S 2. The city of New York shall create a plan by adopting an overall goal, establishing short term strategies to supplement existing stormwater control efforts, medium term strategies to develop innovative and cost-effective source controls, and long term strategies to secure funding, with the goal of within two years, enacting policies that will create a network of source controls to detain or capture over one billion additional gallons of stormwater when fully implemented. In the alternative, the city may implement an existing plan created by the city to address water issues. The plan shall require the following:

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

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1. Implementation of the most cost-effective and feasible controls including:

a. capturing the best practices of ongoing green initiatives;

b. continuing implementation of ongoing source control efforts;

c. establishing new design guidelines for public projects;

d. changing sewer codes to adopt performance standards for new development; and

e. improving public notification of combined sewer overflows;

2. Resolve the feasibility of promising technologies, by completing ongoing demonstration projects and developing new pilots, and continuing planning for the implementation of promising scenarios. Such projects, pilots, and activities may include standards for sidewalks, road reconstructions, and existing buildings, green roadway infrastructure, and stormwater requirements and incentives for low- and medium-density residences;

3. Exploring options for funding source controls, by completing water and wastewater rate study and reassessing pricing for stormwater services, and broadening funding options for cost effective source controls; and

4. Developing adequate sources of funding, by exploring regulatory relief from building conventional infrastructure if more cost-effective solutions are available, rate increases approved by the independent water board, or providing funding from the city budget.

S 3. The plan shall be subject to evaluation by the New York city budget office, and by outside auditors for cost and effectiveness. When such evaluations are completed, the plan shall be the subject of at least five public hearings to be conducted in evenings when individuals are most likely to be able to testify.

S 4. This act shall take effect immediately.