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

468

2011-2012 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 5, 2011

Introduced by M. of A. GUNTHER, P. LOPEZ, CAHILL, SPANO -- Multi-Sponsored by -- M. of A. CALHOUN, CROUCH, MOLINARO, PHEFFER -- read once and referred to the Committee on Environmental Conservation

AN ACT to amend the environmental conservation law, in relation to reviewing the west of Hudson River New York city drinking water supply system program

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

Section 1. The environmental conservation law is amended by adding a new section 15-0809 to read as follows:

S 15-0809. STUDIES AND RECOMMENDATIONS TO ALLEVIATE THE THREAT OF FLOODING IN CERTAIN AREAS.

1. THE COMMISSIONER AND THE COMMISSIONER OF THE NEW YORK CITY DEPARTMENT OF ENVIRONMENTAL PROTECTION, IN CONSULTATION WITH WATER MANAGEMENT EXPERTS FROM FEDERAL AGENCIES, INCLUDING BUT NOT LIMITED TO, THE UNITED STATES ARMY CORPS OF ENGINEERS, THE UNITED STATES GEOLOGICAL SURVEY AND THE UNITED STATES DEPARTMENT OF INTERIOR BUREAU OF LAND RECLAMATION, SHALL REVIEW THE WEST OF HUDSON RIVER NEW YORK CITY DRINKING WATER SUPPLY SYSTEM PROGRAM AND MAKE RECOMMENDATIONS AS TO STRATEGIES THAT COULD POTENTIALLY ALLEVIATE THE THREAT OF FLOODING TO FLOOD PLAIN RESIDENTS WHILE AT THE SAME TIME CONTINUING TO SATISFY THE REQUIREMENTS OF THE U.S. SUPREME COURT DECREE IN NEW JERSEY V. NEW YORK, 347 U.S. 995 (1954) AND ENSURING AN ADEQUATE SUPPLY OF HIGH QUALITY DRINKING WATER TO THE MUNICIPALITIES WHO RELY ON SUCH SYSTEM. SUCH RECOMMENDATIONS MAY INCLUDE EXTENSION AND/OR EXPANSION OF RAIN-BASED AND SNOW PACK SPILL CONTROL PROGRAMS AS WELL AS FUTURE FLOOD PLAIN ZONING OR LAND USE LIMITATIONS. FURTHER, THE COMMISSIONER AND THE COMMISSIONER OF THE NEW YORK CITY DEPARTMENT OF ENVIRONMENTAL PROTECTION AND THE ULSTER COUNTY SOIL AND WATER CONSERVATION DISTRICT, IN CONSULTATION WITH THE UNITED STATES ARMY CORPS OF ENGINEERS, SHALL CONDUCT A HYDROLOGICAL STUDY OF THE

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

LBD02006-01-1

ESOPUS CREEK TO IDENTIFY AREAS AT CHRONIC RISK OF FLOODING AS WELL AS MEASURES THAT COULD POTENTIALLY REDUCE FLOOD DAMAGE TO FLOOD PLAIN RESIDENTS AND FORM THE BASIS OF BETTER FLOOD MANAGEMENT ALONG SUCH CREEK WHILE AT THE SAME TIME CONTINUING TO ENSURE AN ADEQUATE SUPPLY OF HIGH QUALITY DRINKING WATER TO THE MUNICIPALITIES WHO RELY ON SUCH SYSTEM.

2. THE COMMISSIONER SHALL REPORT TO THE GOVERNOR, THE TEMPORARY PRESIDENT OF THE SENATE AND THE SPEAKER OF THE ASSEMBLY ON SUCH FINDINGS AND RECOMMENDATIONS NOT LATER THAN DECEMBER THIRTY-FIRST, TWO THOUSAND TWELVE.

S 2. This act shall take effect immediately.