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

5585

2011-2012 Regular Sessions

I N A S S E M B L Y

February 23, 2011

Introduced by M. of A. KAVANAGH, HOOPER, JAFFEE, MARKEY, SCHIMEL, STEVENSON, SWEENEY, TITONE -- Multi-Sponsored by -- M. of A. CORWIN, GABRYSZAK, GALEF, GLICK, McLAUGHLIN, MOLINARO, PHEFFER, RAIA, P. RIVERA, THIELE, WEISENBERG -- read once and referred to the Committee on Environmental Conservation

AN ACT to amend the environmental conservation law, in relation to notification of the release of hazardous substances

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 71-3704 to read as follows:

S 71-3704. FAILURE TO REPORT RELEASE OF A HAZARDOUS SUBSTANCE.

ANY PERSON WHO VIOLATES ANY OF THE PROVISIONS OF, OR WHO FAILS TO PERFORM ANY DUTY IMPOSED BY SECTION 37-0107 OF THIS CHAPTER, AND WHO FAILS WITHIN TWO HOURS TO NOTIFY THE DEPARTMENT OF A RELEASE OF A REPORTABLE QUANTITY OF A SUBSTANCE HAZARDOUS OR ACUTELY HAZARDOUS TO PUBLIC HEALTH, SAFETY OR THE ENVIRONMENT SHALL BE GUILTY OF FAILURE TO REPORT RELEASE OF A HAZARDOUS SUBSTANCE. FAILURE TO REPORT RELEASE OF A HAZARDOUS SUBSTANCE SHALL BE A CLASS A MISDEMEANOR; PROVIDED, HOWEVER, THAT IF A DEFENDANT HAS PREVIOUSLY BEEN CONVICTED OF A VIOLATION OF THIS SECTION, SUCH SUBSEQUENT VIOLATION SHALL BE A CLASS E FELONY.

S 2. This act shall take effect on the one hundred eightieth day after it shall have become a law.

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

LBD00926-01-1