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

4678

2011-2012 Regular Sessions

I N S E N A T E

April 14, 2011

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

AN ACT to amend the navigation law, in relation to notification of discharge by the department of environmental conservation

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

Section 1. The opening paragraph of section 175 of the navigation law is designated subdivision 1 and a new subdivision 2 is added to read as follows:

2. UPON NOTIFICATION OF A DISCHARGE PURSUANT TO SUBDIVISION ONE OF THIS SECTION OR SUBDIVISION EIGHT OF SECTION 17-0303 OF THE ENVIRONMENTAL CONSERVATION LAW, THE DEPARTMENT SHALL NOTIFY BY REGISTERED MAIL WITHIN FIVE DAYS: (A) THE CHIEF EXECUTIVE OFFICER OF ANY COUNTY, CITY, TOWN OR VILLAGE IMPACTED BY THE SPILL, AND (B) ALL LANDOWNERS OR TENANTS ADJACENT TO AND NEARBY THE SITE WHOSE PROPERTY OR DRINKING WATER SUPPLY MAY BE POTENTIALLY ADVERSELY IMPACTED BY SUCH DISCHARGE. FOR THE PURPOSES OF THIS SECTION, ADJACENT AND NEARBY LANDOWNERS AND TENANTS SHALL MEAN THOSE WITHIN TWO THOUSAND SIX HUNDRED FORTY FEET OF THE SPILL OR DISCHARGE. THE COST TO THE DEPARTMENT TO PROVIDE THE COMMUNITY NOTIFICATION UNDER THIS SUBDIVISION SHALL BE BORNE BY THE PARTY RESPONSIBLE FOR THE DISCHARGE OR SPILL.

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

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

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