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

4443

2013-2014 Regular Sessions

I N S E N A T E

April 1, 2013

Introduced by Sen. MARTINS -- 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 creating the Long Island aquifer commission, and to repeal certain provisions of such law relating thereto

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

Section 1. Legislative intent. The legislature finds that protecting Long Island's sole source aquifer from contaminants, from whatever source, is critical to the health and wellbeing of millions of the state's citizens. Although the importance of this resource is indisputable, ensuring its protection requires maximum coordination from all parts of Long Island and New York state.

The legislature further finds that guaranteeing adequate supply and delivery of fresh drinking water at a reasonable cost on Long Island requires cooperation and sharing of information and resources between Long Island and the New York state department of environmental conservation and department of health.

S 2. The environmental conservation law is amended by adding a new section 55-0112 to read as follows:

S 55-0112. LONG ISLAND AQUIFER COMMISSION.

1. THE COMMISSION. (A) THERE IS HEREBY CREATED THE LONG ISLAND AQUIFER COMMISSION, WHICH SHALL POSSESS THE POWERS AND DUTIES SET FORTH IN THIS SECTION. THE COMMISSION SHALL CONSIST OF SEVEN VOTING MEMBERS: THE CHAIR OF THE LONG ISLAND WATER CONFERENCE, THE CHAIR OF THE SUFFOLK COUNTY WATER AUTHORITY, ONE PERSON APPOINTED BY THE GOVERNOR, ONE PERSON APPOINTED BY THE TEMPORARY PRESIDENT OF THE SENATE, ONE PERSON APPOINTED BY THE SPEAKER OF THE ASSEMBLY AND ONE PERSON APPOINTED BY EACH OF THE COUNTY EXECUTIVES FOR THE COUNTIES OF NASSAU AND SUFFOLK. ALL APPOINTED MEMBERS SHALL HAVE A BACKGROUND IN ONE OR MORE OF THE FOLLOWING AREAS: HYDROLOGY, GEOLOGY, HYDROGEOLOGY, PUBLIC SANITATION, PUBLIC HEALTH,

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

LBD09674-03-3

ENGINEERING, ENVIRONMENTAL PROTECTION, GROUNDWATER PROTECTION, OR CURRENT OR PRIOR EMPLOYMENT WITH A PUBLIC WATER PROVIDER.

(B) EACH APPOINTED MEMBER SHALL SERVE A TERM OF TWO YEARS OR UNTIL A SUCCESSOR SHALL HAVE BEEN NAMED AND QUALIFIED. MEMBERS MAY BE REAPPOINTED TO SUCCESSIVE TERMS.

(C) NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY, FOUR VOTING MEMBERS SHALL CONSTITUTE A QUORUM FOR THE PURPOSES OF ORGANIZING THE COMMISSION AND CONDUCTING THE BUSINESS THEREOF; AND NO ACTION OF THE COMMISSION MAY BE TAKEN EXCEPT UPON AN AFFIRMATIVE VOTE OF AT LEAST THREE-FIFTHS OF THE FULL COMMISSION MEMBERSHIP AT ANY MEETING AT WHICH AT LEAST FOUR VOTING MEMBERS ARE PRESENT OR PARTICIPATING BY VIDEOCONFERENCING. VIDEOCONFERENCING MAY BE USED FOR ATTENDANCE AND PARTICIPATION BY MEMBERS OF THE COMMISSION. IF VIDEOCONFERENCING IS USED, THE COMMISSION SHALL PROVIDE AN OPPORTUNITY FOR THE PUBLIC TO ATTEND, LISTEN, AND OBSERVE AT ANY SITE AT WHICH A MEMBER PARTICIPATES. THE PUBLIC NOTICE FOR THE MEETING SHALL IDENTIFY, IF PRACTICABLE, ALL LOCATIONS WHERE A MEMBER WILL PARTICIPATE IN THE MEETING BY VIDEOCONFERENCE AND SHALL STATE THAT THE PUBLIC HAS THE RIGHT TO ATTEND THE MEETING AT ANY SUCH LOCATION.

(D) THE COMMISSIONERS OF THE NEW YORK STATE DEPARTMENT OF HEALTH AND THE DEPARTMENT, THE REGIONAL DIRECTOR OR REPRESENTATIVE OF THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY AND A REPRESENTATIVE FROM THE UNITED STATES GEOLOGIC SURVEY SHALL SERVE AS EX-OFFICIO MEMBERS OF THE COMMISSION.

(E) MEMBERS OF THE COMMISSION, IN FURTHERANCE OF THEIR DUTIES PURSUANT TO THE PROVISIONS OF THIS SECTION, SHALL NOT RECEIVE A SALARY OR OTHER COMPENSATION, BUT SHALL BE ALLOWED THE NECESSARY AND ACTUAL EXPENSES INCURRED IN THE PERFORMANCE OF DUTIES UNDER THIS SECTION.

2. GENERAL POWERS AND DUTIES OF THE COMMISSION. (A) THE COMMISSION SHALL FOCUS ITS EFFORTS ON QUALITY AND QUANTITY OF GROUNDWATER IN THE SOLE SOURCE AQUIFER AND PREVENTING ADDITIONAL DEGRADATION OF THE AQUIFER, TAKING INTO CONSIDERATION FACTORS INCLUDING, BUT NOT LIMITED TO, SALTWATER INTRUSION, CONTAMINATION PLUMES, RECHARGING CAPABILITIES, WATER LEVELS AND PESTICIDE LEACHING.

(B) THE COMMISSION MAY ADOPT RULES AND REGULATIONS RELATING TO THE ACTIVITIES OF THE COMMISSION.

(C) THE COMMISSION IS AUTHORIZED AND SHALL RECEIVE UPON REQUEST ACCESS TO STUDIES PERFORMED OR COMMISSIONED BY THE DEPARTMENT, NASSAU COUNTY, SUFFOLK COUNTY OR MUNICIPALITIES OR POLITICAL SUBDIVISIONS LOCATED WITHIN EACH COUNTY, RELATED TO GROUNDWATER AND SOLE SOURCE AQUIFER QUALITY AND QUANTITY.

(D) THE COMMISSION SHALL MEET AT LEAST QUARTERLY. AFTER THE COMMISSION'S SECOND MEETING AND ANNUALLY THEREAFTER, THE COMMISSION SHALL CONDUCT A PUBLIC HEARING FOR THE PURPOSE OF SOLICITING INFORMATION NECESSARY FOR CONSIDERATION OF ISSUES OF REGIONAL CONCERN AFFECTING THE SOLE SOURCE AQUIFER FROM MEMBERS OF THE PUBLIC AND ORGANIZATIONS INVOLVED IN GROUNDWATER RESEARCH, MANAGEMENT, AND ADVOCACY. MINUTES OF THE MEETINGS SHALL BE KEPT AND MEETING AGENDAS AND MINUTES SHALL BE PROVIDED TO ALL COMMISSION MEMBERS.

(E) THE COMMISSION SHALL PREPARE AND RELEASE A STATE OF THE AQUIFER REPORT WITHIN ONE YEAR OF ITS FIRST MEETING AND THEREAFTER PROVIDE ANNUAL UPDATES OF THE REPORT. THE REPORT SHALL INCLUDE, BUT NOT BE LIMITED TO, THE FOLLOWING INFORMATION: QUALITATIVE AND QUANTITATIVE GROUNDWATER DATA, ANTHROPOGENIC THREATS TO GROUNDWATER QUALITY AND QUANTITY, EXISTING REGULATORY GROUNDWATER MANAGEMENT REGIMES, MANAGEMENT OPPORTUNITIES, RECOMMENDATIONS AND METHODS FOR IMPLEMENTATION, INCLUDING STAKEHOLDERS,

ROLES AND RESPONSIBILITIES, PRIORITIZATION OF ACTIONS, SCHEDULE AND COSTS. THE REPORT SHALL BE PUBLICLY AVAILABLE AND SHALL ALSO BE DELIVERED TO THE GOVERNOR, THE COMMISSIONER, THE NEW YORK STATE COMMISSIONER OF HEALTH, THE SUFFOLK COUNTY EXECUTIVE, THE NASSAU COUNTY EXECUTIVE, THE TEMPORARY PRESIDENT OF THE SENATE, THE SPEAKER OF THE ASSEMBLY, AND ALL LOCAL WATER DISTRICTS LOCATED WITHIN NASSAU AND SUFFOLK COUNTIES.

3. COOPERATION OF STATE AND MUNICIPAL AGENCIES. (A) THE COMMISSION MAY REQUEST AND SHALL BE PROVIDED WITH SUCH COOPERATION, ASSISTANCE, SERVICES AND DATA, FROM ANY DEPARTMENT, AGENCY, ADVISORY BOARD, TASK FORCE, COMMISSION, BUREAU OR ANY OTHER AGENCY HAVING JURISDICTION OVER LAND OR WATER WITHIN THE COUNTIES OF NASSAU AND SUFFOLK AS ARE NECESSARY TO CARRY OUT THE COMMISSION'S FUNCTION PURSUANT TO THIS SECTION. THE COMMISSION SHALL COORDINATE ITS ACTIONS WITH THE REGION 1 REGIONAL ADVISORY COMMITTEE, ESTABLISHED BY SECTION 49-0209 OF THIS CHAPTER. EVERY STATE AGENCY IS AUTHORIZED TO PROVIDE, WITHIN AMOUNTS APPROPRIATED THEREFORE AND SUBJECT TO THE APPROVAL OF THE DIRECTOR OF THE BUDGET, SUCH ASSISTANCE AND SERVICES AS THE COMMISSION MAY REQUEST.

(B) REGION ONE OF THE DEPARTMENT IS AUTHORIZED TO PROVIDE ALL NECESSARY STAFF SERVICES, ACCOUNTING, CLERICAL, AND SECRETARIAL ASSISTANCE, OFFICE SPACE, AND EQUIPMENT REASONABLY REQUESTED BY THE COMMISSION.

4. ACCEPTANCE OF MONIES. THE COMMISSION MAY ACCEPT ANY GRANT OR APPROPRIATION FROM FEDERAL, STATE AND MUNICIPAL SOURCES AND ANY GIFT FOR USE TO CARRY OUT THE PROVISIONS OF THIS SECTION. SUCH MONIES SHALL BE EXPENDED BY THE COMMISSION TO CARRY OUT THE PROVISION OF THIS SECTION, EXCEPT THAT SUCH EXPENDITURES SHALL NOT EXCEED THE GRANTS, APPROPRIATIONS AND GIFTS RECEIVED BY THE COMMISSION.

S 3. Subdivisions 5, 6, 7 and 8 of section 55-0113 of the environmental conservation law are REPEALED.

S 4. This act shall take effect immediately.