

5078

2015-2016 Regular Sessions

I N   S E N A T E

April 30, 2015

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Introduced by Sen. MURPHY -- 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 wet weather discharges from sanitary sewers

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

1     Section 1. The environmental conservation law is amended by adding a  
2     new section 17-0709 to read as follows:  
3     S 17-0709. FACTORS FOR THE COMMISSIONER TO CONSIDER WHEN ISSUING  
4     PERMITS.  
5     1. THE COMMISSIONER OR HIS OR HER DESIGNATED REPRESENTATIVE SHALL  
6     CONSIDER THE FOLLOWING, TO THE EXTENT ALLOWABLE UNDER THIS CHAPTER AND  
7     THE FEDERAL WATER POLLUTION CONTROL ACT FOR ALL PERMITS ISSUED PURSUANT  
8     TO THIS CHAPTER FOR ANY DISCHARGES CONSISTING OF COMBINED SEWER OVER-  
9     FLOWS, REQUIRING AND APPROVING LONG-TERM CONTROL PLANS FOR WET WEATHER  
10    DISCHARGES FROM COMBINED OR SEPARATE SANITARY SEWER SYSTEMS, OR ENFORC-  
11    ING PROVISIONS OF THE FEDERAL WATER POLLUTION CONTROL ACT, 33 U.S.C.  
12    SECS. 1251 ET SEQ.:  
13    A. LIMITATIONS ON A COMMUNITY'S FINANCIAL CAPABILITIES AND ABILITY TO  
14    RAISE OR SECURE NECESSARY FUNDING;  
15    B. AFFORDABILITY OF CONTROL OPTIONS;  
16    C. AN EVALUATION OF THE EFFECTIVENESS AND AFFORDABILITY OF CONTROL  
17    TECHNOLOGIES;  
18    D. PROMOTION OF GREEN INFRASTRUCTURE;  
19    E. REDUCING ECONOMIC IMPACTS ON REGULATED ENTITIES, OTHER STATE AND  
20    LOCAL GOVERNMENTAL ENTITIES, AND RESIDENTS;  
21    F. ALLOWING FOR REASONABLE ACCOMMODATIONS FOR REGULATED ENTITIES AND  
22    OTHER STATE AND LOCAL GOVERNMENTAL ENTITIES WHEN INFLEXIBLE STANDARDS  
23    AND FINES WOULD IMPOSE A DISPROPORTIONATE FINANCIAL HARDSHIP IN LIGHT OF  
24    THE ENVIRONMENTAL BENEFITS TO BE GAINED;

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

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1 G. GIVING PREFERENCE, WHERE PROPOSED BY A PERMITTEE, TO CONTROL  
2 OPTIONS THAT MEET PRESUMPTION APPROACH PERFORMANCE CRITERIA AND DEMON-  
3 STRATE SIGNIFICANT POLLUTION REDUCTION RATHER THAN MANDATING SPECIFIC  
4 DESIGNS;

5 H. ALLOWING ADEQUATE TIME AND FLEXIBILITY FOR IMPLEMENTATION SCHEDULES  
6 WHEN JUSTIFIED BY A CLEAR ENVIRONMENTAL BENEFIT, A COMMUNITY'S ABILITY  
7 TO RAISE OR SECURE ADEQUATE FUNDS, AN ANALYSIS CONCLUDING THAT THE COSTS  
8 OF A SHORTER IMPLEMENTATION SCHEDULE OUTWEIGH THE BENEFITS OF FASTER  
9 IMPLEMENTATION, OR OTHER FACTORS; AND

10 I. FACTORS SET FORTH IN THE UNITED STATES ENVIRONMENTAL PROTECTION  
11 AGENCY'S "COMBINED SEWER OVERFLOW CONTROL POLICY" THAT MAY EASE THE COST  
12 BURDENS OF IMPLEMENTING LONG-TERM CONTROL PLANS, INCLUDING BUT NOT  
13 LIMITED TO SMALL SYSTEM CONSIDERATIONS, THE ATTAINABILITY OF WATER QUAL-  
14 ITY STANDARDS, AND THE DEVELOPMENT OF WET WEATHER STANDARDS.

15 S 2. This act shall take effect immediately.