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

10144--B

R. R. 92

I N A S S E M B L Y

May 12, 2016

Introduced by M. of A. ENGLEBRIGHT, MURRAY -- read once and referred to the Committee on Environmental Conservation -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- amended on the special order of third reading, ordered reprinted as amended, retaining its place on the special order of third reading

AN ACT to amend the environmental conservation law, in relation to avoiding water quality impairment from the management of land clearing debris and compost in Nassau and Suffolk counties

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 15-0517 to read as follows:

S 15-0517. WATER QUALITY TESTING REQUIREMENTS FOR LAND CLEARING DEBRIS AND COMPOST FACILITIES IN NASSAU AND SUFFOLK COUNTIES.

1. IN NASSAU AND SUFFOLK COUNTIES, THE DEPARTMENT SHALL PROMULGATE RULES AND REGULATIONS TO PREVENT WATER QUALITY AND OTHER ENVIRONMENTAL IMPAIRMENTS RESULTING FROM LAND CLEARING DEBRIS FACILITIES OR COMPOSTING FACILITIES. SUCH REGULATIONS SHALL AT A MINIMUM REQUIRE:

(A) QUARTERLY UP GRADIENT AND DOWN GRADIENT WATER QUALITY TESTING;

(B) SETBACKS FROM DRINKING WATER SUPPLY WELLS AND SURFACE WATER BODIES; AND

(C) DUST AND ODOR SUPPRESSION AND FIRE RISK MINIMIZATION.

2. THE DEPARTMENT SHALL IN THE CASE OF A PRIMARY RECHARGE AREA, AND MAY FOR OTHER RECHARGE AREAS, PROMULGATE RULES AND REGULATIONS TO BE IMPLEMENTED TWENTY-FOUR MONTHS AFTER THE EFFECTIVE DATE OF THIS SECTION, TO PREVENT WATER QUALITY AND OTHER ENVIRONMENTAL IMPAIRMENTS RESULTING FROM LAND CLEARING DEBRIS FACILITIES OR COMPOSTING FACILITIES BY REQUIRING THE USE OF AN IMPERMEABLE LINER, IN ADDITION TO THE REQUIREMENTS OF SUBDIVISION ONE OF THIS SECTION. THE DEPARTMENT MAY EXEMPT A LAND CLEARING DEBRIS FACILITY OR A COMPOSTING FACILITY FROM THE REGULATORY REQUIREMENTS OF THIS SUBDIVISION FOLLOWING A REVIEW OF THE FACILITY'S WATER QUALITY TESTING RESULTS AND A DETERMINATION BY THE DEPARTMENT THAT

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

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SUCH FACILITY DOES NOT POSE A RISK OF IMPAIRMENT TO THE PRIMARY RECHARGE AREA OR, IF APPLICABLE, OTHER RECHARGE AREA.

3. FOR THE PURPOSES OF THIS SECTION:

(A) "LAND CLEARING DEBRIS" SHALL MEAN VEGETATIVE MATTER, SOIL AND ROCK RESULTING FROM ACTIVITIES SUCH AS LAND CLEARING AND GRUBBING, UTILITY LINE MAINTENANCE OR SEASONAL OR STORM RELATED CLEANUP SUCH AS TREES, STUMPS, BRUSH AND LEAVES AND INCLUDING WOOD CHIPS GENERATED FROM THESE MATERIALS.

(B) "COMPOSTING FACILITIES" SHALL MEAN FACILITIES THAT ACCEPT MORE THAN THREE THOUSAND CUBIC YARDS OF WASTE, EITHER PROCESSED OR UNPROCESSED, PER YEAR.

S 2. This act shall take effect January 1, 2017.