STATE OF NEW YORK

6825

2017-2018 Regular Sessions

IN ASSEMBLY

March 21, 2017

Introduced by M. of A. BARRETT, MAYER -- read once and referred to the Committee on Environmental Conservation

AN ACT to amend the environmental conservation law and the navigation law, in relation to consideration of environmental conditions when permitting petroleum-bearing vessels to enter navigable waters; and repealing section seventy-one of the navigation law relating to the petroleum-bearing vessel advisory commission

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section 33-0303 of the environmental conservation law is amended by adding a new subdivision 8 to read as follows:

8. The commissioner in consultation with the United States Coast Guard, the board of commissioners of pilots, the department of state, the office of parks, recreation and historic preservation and appropriate officials of any state or country, may establish guidelines for the purpose of carrying out the provisions of section seventy of the navigation law.

§ 2. Section 70 of the navigation law, as added by chapter 898 of the laws of 1990, is amended to read as follows:

§ 70. Minimum conditions for petroleum-bearing vessels in certain areas; tanker-avoidance zones. 1. The commissioner of environmental conservation in consultation with [~~the petroleum-bearing vessel advisory commission established in section seventy-one of this article,~~] the United States Coast Guard, the board of commissioners of pilots**, the department of state, the office of parks, recreation and historic preservation** and appropriate officials of any state or country with concurrent jurisdiction over water bodies which might be affected, through rule and regulation may establish standards setting forth:

(a) the minimum conditions under which petroleum-bearing vessels as defined in section one hundred seventy-two of this chapter may enter or move upon the navigable waters of the state and any tidewaters bordering

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

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on or lying within the boundaries of Nassau and Suffolk counties. Such conditions may include, but not be limited to, visibility, the tide and wind conditions [~~and~~], weather, environmental conditions such as the existence of designated significant coastal fish and wildlife habitats and proximity to waterfront communities; and

(b) the minimum conditions under which petroleum-bearing vessels may enter or leave any major facility, port or harbor. Such conditions may include, but not be limited to, visibility, the tide and wind conditions [~~and~~], weather, environmental conditions such as the existence of designated significant coastal fish and wildlife habitats and proximity to waterfront communities.

2. The commissioner of environmental conservation may, in consultation with [~~the petroleum-bearing vessel advisory commission established in section seventy-one of this article,~~] the United States Coast Guard, the board of commissioners of pilots, the department of state, the office of parks, recreation and historic preservation and appropriate officials of any state or country with concurrent jurisdiction over water bodies which might be affected, establish tanker-avoidance zones, where it shall be unlawful for petroleum-bearing vessels as defined in section one hundred seventy-two of this chapter, to enter [~~or~~], move or anchor upon the navigable waters of the state or any tidewaters bordering on or lying within the boundaries of Nassau and Suffolk counties, except in cases of great emergency. Such tanker-avoidance zones may be based upon physical and environmental conditions which may include, but are not limited to, navigational hazards, environmental conditions such as the existence of designated significant coastal fish and wildlife habitats and proximity to waterfront communities.

§ 3. Section 71 of the navigation law is REPEALED.

§ 4. Subdivision 15-a of section 172 of the navigation law, as added by chapter 898 of the laws of 1990, is amended to read as follows:

15-a. "Petroleum-bearing vessel" means any vessel transporting petroleum in commercial quantities as cargo or any vessel constructed or adapted for the carriage of petroleum in bulk, including tank vessels, barges and tug-barge combinations;

§ 5. This act shall take effect immediately.