

STATE OF NEW YORK

4011

2017-2018 Regular Sessions

IN SENATE

February 1, 2017

Introduced by Sen. BROOKS -- 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 a moratorium on the renewal of permits to drill in the Lloyd Sands in Kings and Queens counties

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

1 Section 1. Section 15-1528 of the environmental conservation law, as
2 added by chapter 773 of the laws of 1986, subdivisions 2 and 4 as
3 amended by chapter 567 of the laws of 2008, is amended to read as
4 follows:

5 § 15-1528. Moratorium on the drilling of [~~new~~] certain wells in the
6 Lloyd Sands.

7 1. The department is directed to identify those areas of Long Island
8 within the counties of Kings, Queens, Nassau and Suffolk which, for the
9 purposes of this section, shall be considered coastal communities.

10 2. (a) A moratorium shall be established on the granting of new
11 permits to drill public water supply, private water supply or industrial
12 wells into the Lloyd Sands or to permit new withdrawals of water from
13 the Lloyd Sands or to permit the storage or pumping of water into the
14 Lloyd Sands. Such moratorium shall apply to all areas that are not
15 coastal communities, provided however that such moratorium shall apply
16 to all areas including coastal communities for the storage or pumping of
17 water into the Lloyd Sands. The waters of the Lloyd Sands shall be
18 reserved for the use of coastal communities during the moratorium,
19 however, nothing required herein shall affect the permits of wells pres-
20 ently screened in the Lloyd Sands and withdrawing water therefrom.

21 (b) A moratorium shall be established on the granting of renewal
22 permits to drill public water supply, private water supply or industrial
23 wells into the Lloyd Sands or to permit withdrawals of water from the
24 Lloyd Sands or to permit the storage or pumping of water into the Lloyd

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

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1 Sands in the counties of Kings and Queens. Such moratorium shall apply
2 to all areas that are not coastal communities, provided however that
3 such moratorium shall apply to all areas including coastal communities
4 for the storage or pumping of water into the Lloyd Sands.

5 3. The moratorium shall be lifted on the granting of new permits for
6 Nassau and Suffolk counties upon a directive from the commissioner. The
7 directive shall be based upon his or her finding that sufficient
8 research has been conducted so as to provide a sound working knowledge
9 of the details, dynamics, water volume, and levels of safe withdrawal
10 appropriate to maintain a safe quantity of Lloyd Sands water. Further,
11 the commissioner must find that a workable program is in place that can
12 properly administer a well permit program for the Lloyd Sands water.
13 Such program shall take into account both the localized and regional
14 aspects and implications of Lloyd Sands water withdrawals, with special
15 attention given to the prevention of water contamination and salt water
16 intrusion. The program must ensure that a safe level of withdrawal from
17 the Lloyd Sands is not exceeded.

18 4. The commissioner may grant exemptions for Nassau and Suffolk coun-
19 ties to the moratorium upon a finding of just cause and extreme hard-
20 ship. Such exemptions shall not apply to the storage or pumping of water
21 into the Lloyd Sands. An adjudicatory hearing shall be held and findings
22 presented to the commissioner prior to the granting of an exemption.

23 § 2. This act shall take effect immediately.