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:

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

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

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

2. **(a)** A moratorium shall be established on the granting of new permits to drill public water supply, private water supply or industrial wells into the Lloyd Sands or to permit new withdrawals of water from the Lloyd Sands or to permit the storage or pumping of water into the Lloyd Sands. Such moratorium shall apply to all areas that are not coastal communities, provided however that such moratorium shall apply to all areas including coastal communities for the storage or pumping of water into the Lloyd Sands. The waters of the Lloyd Sands shall be reserved for the use of coastal communities during the moratorium, however, nothing required herein shall affect the permits of wells presently screened in the Lloyd Sands and withdrawing water therefrom.

(b) A moratorium shall be established on the granting of renewal permits to drill public water supply, private water supply or industrial wells into the Lloyd Sands or to permit withdrawals of water from the 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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Sands in the counties of Kings and Queens. Such moratorium shall apply to all areas that are not coastal communities, provided however that such moratorium shall apply to all areas including coastal communities for the storage or pumping of water into the Lloyd Sands.

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

4. The commissioner may grant exemptions **for Nassau and Suffolk counties** to the moratorium upon a finding of just cause and extreme hardship. Such exemptions shall not apply to the storage or pumping of water into the Lloyd Sands. An adjudicatory hearing shall be held and findings presented to the commissioner prior to the granting of an exemption.

§ 2. This act shall take effect immediately.