

# STATE OF NEW YORK

5197

2017-2018 Regular Sessions

## IN SENATE

March 13, 2017

Introduced by Sens. SERINO, AMEDORE, CARLUCCI -- 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 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:

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

3 8. The commissioner in consultation with the United States Coast  
4 Guard, the board of commissioners of pilots, the department of state,  
5 the office of parks, recreation and historic preservation and appropri-  
6 ate officials of any state or country, may establish guidelines for the  
7 purpose of carrying out the provisions of section seventy of the naviga-  
8 tion law.

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

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

20 (a) the minimum conditions under which petroleum-bearing vessels as  
21 defined in section one hundred seventy-two of this chapter may enter or

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

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1 move upon the navigable waters of the state and any tidewaters bordering  
2 on or lying within the boundaries of Nassau and Suffolk counties. Such  
3 conditions may include, but not be limited to, visibility, the tide and  
4 wind conditions [~~and~~], weather, environmental conditions such as the  
5 existence of designated significant coastal fish and wildlife habitats  
6 and proximity to waterfront communities; and

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

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

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

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

32 15-a. "Petroleum-bearing vessel" means any vessel transporting petro-  
33 leum in commercial quantities as cargo or any vessel constructed or  
34 adapted for the carriage of petroleum in bulk, including tank vessels,  
35 barges and tug-barge combinations;

36 § 5. This act shall take effect immediately.