STATE OF NEW YORK

S. 5652 A. 7558

2019-2020 Regular Sessions

SENATE - ASSEMBLY

May 9, 2019

IN SENATE -- Introduced by Sen. LAVALLE -- read twice and ordered printed, and when printed to be committed to the Committee on Environmental Conservation

IN ASSEMBLY -- Introduced by M. of A. THIELE -- read once and referred to the Committee on Environmental Conservation

AN ACT to amend the environmental conservation law, in relation to mining in counties with a population of one million or more which draws the primary source of drinking water from a designated sole source aquifer, by prohibiting such activities where contamination to groundwater or drinking water on site or attributable to the site exceeds state or federal drinking water or groundwater standards

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

Section 1. Subdivision 3 of section 23-2703 of the environmental conservation law, as amended by chapter 298 of the laws of 2018, is amended to read as follows:

3. No agency of this state shall consider an application for a permit to mine as complete or process such application for a permit to mine pursuant to this title, within counties with a population of one million or more which draw their primary source of drinking water for a majority of county residents from a designated sole source aquifer[~~,~~]**: (a)** if local zoning laws or ordinances prohibit mining uses within the area proposed to be mined**; or (b) within a special groundwater protection area, designated pursuant to subdivision one of section 55-0113 of this chapter, the state or a local government has documented contamination to groundwater or drinking water on the site or attributable to the site, which exceeds maximum contaminant levels under state or federal drinking water or groundwater standards. Within one year of the effective date of the chapter of the laws of two thousand nineteen which amended this subdivision, no person shall operate a mine within a special groundwater**

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

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protection area, designated pursuant to subdivision one of section 55-0113 of this chapter, where the state or a local government has documented contamination to groundwater or drinking water on site or attributable to the site, which exceeds maximum contaminant levels, pursuant to state or federal drinking water or groundwater standards. Further, within three years of the effective date of the chapter of the laws of two thousand nineteen which amended this subdivision, all reclamation activities for any such mine shall be completed, pursuant to a reclamation plan approved by the department.

§ 2. This act shall take effect immediately.