STATE OF NEW YORK

4637

2021-2022 Regular Sessions

IN ASSEMBLY

February 4, 2021

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

AN ACT to amend the environmental conservation law, in relation to limiting the exceptions to certain effluent limitations in Nassau and Suffolk counties and requiring certain eligible projects for state aid involving water pollution control revolving fund agreements to take county-wide or regional wastewater planning into consideration when determining eligibility

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

Section 1. Subdivision 3 of section 17-0809 of the environmental conservation law, as added by chapter 360 of the laws of 1988, is amended to read as follows:

3. Notwithstanding any other provision of this article, when effluent limitations are established they must be at least as stringent as the effluent limitations previously required unless the commissioner determines, through regulation, that an exception is warranted as provided in section 303(d) and 402(o) of the Federal Water Pollution Control Act (33 U.S.C. sections 1313(d) and 1342(o)) as amended by the Water Quality Act of 1987**; provided, however, no such exceptions may be determined to be warranted in special groundwater protection areas designated pursuant to article fifty-five of this chapter or in Nassau or Suffolk counties where such discharges will impact marine waters within ten years or less. In such areas, the best available technology shall be applied with special emphasis on reducing nitrogen pollution.**

§ 2. Item (e) of subparagraph (ii) of paragraph d of subdivision 1 of section 17-1909 of the environmental conservation law, as amended by chapter 355 of the laws of 2014, is amended to read as follows:

(e) conforms with applicable rules and regulations of the department, including a demonstration that design and construction consider future physical climate risk due to sea level rise, and/or storm surges and/or

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

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flooding, based on available data predicting the likelihood of future extreme weather events, including hazard risk analysis data if applicable**; and**

(f) includes consideration of county-wide or regional wastewater planning.

§ 3. Paragraph a of subdivision 2 of section 17-1909 of the environmental conservation law, as amended by chapter 262 of the laws of 2007, is amended to read as follows:

a. The environmental significance of such potentially eligible projects which shall include, but need not be limited to, an assessment of (i) public health and safety; (ii) protection of environmental resources; (iii) population affected; (iv) attainment of state water quality goals and standards; [~~and~~] (v) compliance with state and federal law, rules and regulations; **and (vi) the extent to which such projects reflect county-wide or regional wastewater planning;**

§ 4. This act shall take effect immediately and shall apply to all permits issued after such date.