STATE OF NEW YORK

8719

IN ASSEMBLY

January 11, 2022

Introduced by M. of A. ENGLEBRIGHT -- 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; and to amend a chapter of the laws of 2021 amending the environmental conservation law relating 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, as proposed in legislative bills numbers S. 5022 and A. 4637, in relation to the effectiveness thereof

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 amended by a chapter of the laws of 2021 amending the environmental conservation law relating 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, as proposed in legislative bills numbers S. 5022 and A. 4637, 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

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

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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**, that is economically feasible and cost effective based on an analysis that considers direct and avoided economic and environmental costs,** shall be applied with special emphasis on reducing nitrogen pollution.

§ 2. Section 4 of a chapter of the laws of 2021 amending the environmental conservation law relating 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, as proposed in legislative bills numbers S. 5022 and A. 4637, os amended to read as follows:

§ 4. This act shall take effect [~~immediately~~] **on the ninetieth day after it shall have become a law** and shall apply to all permits issued after such date.

§ 3. This act shall take effect immediately; provided, however, that section one of this act shall take effect on the same date and in the same manner as a chapter of the laws of 2021 amending the environmental conservation law relating 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, as proposed in legislative bills numbers S. 5022 and A. 4637, takes effect.