

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:

1 Section 1. Subdivision 3 of section 17-0809 of the environmental
2 conservation law, as amended by a chapter of the laws of 2021 amending
3 the environmental conservation law relating to limiting the exceptions
4 to certain effluent limitations in Nassau and Suffolk counties and
5 requiring certain eligible projects for state aid involving water
6 pollution control revolving fund agreements to take county-wide or
7 regional wastewater planning into consideration when determining eligi-
8 bility, as proposed in legislative bills numbers S. 5022 and A. 4637, is
9 amended to read as follows:
10 3. Notwithstanding any other provision of this article, when effluent
11 limitations are established they must be at least as stringent as the
12 effluent limitations previously required unless the commissioner deter-
13 mines, through regulation, that an exception is warranted as provided in
14 section 303(d) and 402(o) of the Federal Water Pollution Control Act (33
15 U.S.C. sections 1313(d) and 1342(o)) as amended by the Water Quality Act
16 of 1987; provided, however, no such exceptions may be determined to be
17 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.

LBD03770-03-2

1 article fifty-five of this chapter or in Nassau or Suffolk counties
2 where such discharges will impact marine waters within ten years or
3 less. In such areas, the best available technology, that is econom-
4 ically feasible and cost effective based on an analysis that considers
5 direct and avoided economic and environmental costs, shall be applied
6 with special emphasis on reducing nitrogen pollution.

7 § 2. Section 4 of a chapter of the laws of 2021 amending the environ-
8 mental conservation law relating to limiting the exceptions to certain
9 effluent limitations in Nassau and Suffolk counties and requiring
10 certain eligible projects for state aid involving water pollution
11 control revolving fund agreements to take county-wide or regional waste-
12 water planning into consideration when determining eligibility, as
13 proposed in legislative bills numbers S. 5022 and A. 4637, os amended to
14 read as follows:

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

18 § 3. This act shall take effect immediately; provided, however, that
19 section one of this act shall take effect on the same date and in the
20 same manner as a chapter of the laws of 2021 amending the environmental
21 conservation law relating to limiting the exceptions to certain effluent
22 limitations in Nassau and Suffolk counties and requiring certain eligi-
23 ble projects for state aid involving water pollution control revolving
24 fund agreements to take county-wide or regional wastewater planning into
25 consideration when determining eligibility, as proposed in legislative
26 bills numbers S. 5022 and A. 4637, takes effect.