

# STATE OF NEW YORK

7208

2023-2024 Regular Sessions

## IN ASSEMBLY

May 12, 2023

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

AN ACT to amend the environmental conservation law, in relation to  
decommissioning nuclear power plant discharges into the Hudson River

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

1 Section 1. The environmental conservation law is amended by adding a  
2 new article 30 to read as follows:

### ARTICLE 30

#### DECOMMISSIONING NUCLEAR POWER PLANT DISCHARGES INTO THE HUDSON RIVER

##### Section 30-0101. Legislative findings.

##### 30-0103. Unlawful discharges.

##### § 30-101. Legislative findings.

8 1. The legislature finds that while the energy and economic output  
9 generated by nuclear power plants are beneficial to the state and its  
10 residents, discharges into waters of the state of radiological agents  
11 from nuclear power plants have various adverse and substantial economic  
12 impacts on the state and its residents.

13 2. The legislature further finds that communities with interests in  
14 the Hudson River are concerned with the economic impacts on local real  
15 estate values and economic development with respect to the discharge of  
16 waste from nuclear power plants into waters of the state during plant  
17 decommissioning, which effect is no longer balanced by countervailing  
18 economic benefits of the plant to those communities that the plant  
19 provided during operation.

20 3. The legislature further finds that other methods of managing waste  
21 from decommissioning nuclear power plants are available and would not  
22 result in the same economic impacts.

23 4. The legislature therefore finds and declares that it is the duty of  
24 the state to act to preserve the economic vitality of affected communi-  
25 ties.

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

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1 § 30-0103. Unlawful discharges.

2 To the extent not subject to preemption by federal law, and notwith-  
3 standing any other state or local law, rule, or regulation to the  
4 contrary, it shall be unlawful to discharge any radiological substance  
5 into the Hudson River in connection with the decommissioning of a nucle-  
6 ar power plant.

7 § 2. Article 71 of the environmental conservation law is amended by  
8 adding a new title 28 to read as follows:

9 TITLE 28

10 ENFORCEMENT OF ARTICLE 30

11 Section 71-2801. Applicability of title.

12 71-2803. Penalties.

13 71-2805. Attorney general enforcement.

14 § 71-2801. Applicability of title.

15 In addition to the provisions of sections 71-0101 and 71-0301 of this  
16 article, the provisions of this title shall be applicable to the  
17 enforcement of article 30 of this chapter and to this title.

18 § 71-2803. Penalties.

19 Any person who violates section 30-0103 of this chapter shall be  
20 liable for a civil penalty not to exceed thirty-seven thousand five  
21 hundred dollars for the first day of the violation, not to exceed seven-  
22 ty-five thousand dollars for the second day of the violation, and not to  
23 exceed one hundred fifty thousand dollars per violation thereafter. For  
24 purposes of this section, each day in which a violation occurs shall be  
25 considered a separate violation.

26 § 71-2805. Attorney general enforcement.

27 The penalties provided by section 71-2803 of this title shall be  
28 recoverable in an action brought by the attorney general.

29 § 3. Severability. The provisions of this act shall be severable and  
30 if any portion thereof or the applicability thereof to any person or  
31 circumstances shall be held invalid, the remainder of this act and the  
32 application thereof shall not be affected thereby.

33 § 4. This act shall take effect immediately.