

STATE OF NEW YORK

6730

2023-2024 Regular Sessions

IN SENATE

May 5, 2023

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

AN ACT to amend the navigation law, in relation to the regulation of exhaust gas cleaning systems on vessels; and to amend the environmental conservation law, in relation to the powers of the department of environmental conservation

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

1 Section 1. The navigation law is amended by adding a new section 33-f
2 to read as follows:

3 § 33-f. Regulating exhaust gas cleaning systems. 1. As used in this
4 section:

5 (a) "exhaust gas cleaning systems" means a mechanism intended to
6 remove particulate matter from exhaust gasses generated as a result of
7 the combustion process in marine engines, whose output is the discharge
8 of wash water as water, spray, exhaust or other form of discharge; and

9 (b) "department" means the state department of environmental conserva-
10 tion.

11 2. (a) No exhaust gas cleaning system on any vessel used or operated
12 upon navigable waters of this state shall be operated so as to discharge
13 into said waters or air directly or indirectly except as required for
14 safety reasons.

15 (b) Exhaust gas cleaning system overboard discharge valves shall be
16 sealed while the vessel is in navigable waters of the state.

17 3. No exhaust gas cleaning system shall be used, sold, or physically
18 offered for sale in this state.

19 4. The department shall require persons making application for a boat
20 registration certificate for a vessel pursuant to the vehicle and traf-
21 fic law to disclose whether such vessel has within or on it an exhaust
22 gas cleaning system and if so, to certify that such device shall not be

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

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1 used in the waters of this state as required by this section. The
2 department is further empowered to direct that the issuance of a boat
3 registration certificate or a renewal thereof be withheld if such device
4 is used in violation of this section.

5 5. All vessels located upon waters of this state shall be subject to
6 boarding and inspection by the department or any lawfully designated
7 agents or inspectors thereof, for the purpose of determining whether
8 such vessel is in compliance with this section.

9 6. The department is hereby authorized and empowered to make, adopt,
10 promulgate, amend and repeal such standards and rules and regulations as
11 are necessary, or convenient for the carrying out of duties and obli-
12 gations and powers conferred on the department by this section.

13 7. A copy of the regulations adopted pursuant to this section and any
14 of the amendments thereto, shall be filed in the office of the depart-
15 ment, the water resources commission, and in the office of the secretary
16 of state. Rules, regulations and standards shall be published by the
17 department in convenient form.

18 8. Any person who violates this section, shall be guilty of an offense
19 and upon conviction shall be punished with a fine of up to twenty-five
20 thousand dollars per violation; provided, however, that in the event any
21 person violates this section more than twice during the same calendar
22 year and is convicted of more than two such violations, the third and
23 each subsequent violation shall be deemed a misdemeanor.

24 9. Any person who violates this section shall be strictly liable,
25 without regard to fault, for all cleanup and removal costs and all
26 direct and indirect damages, no matter by whom sustained for the follow-
27 ing:

28 (a) the cost of restoration and replacement, where possible, of any
29 natural resource damaged or destroyed by a discharge;

30 (b) the cost of restoring, repairing, or replacing any real or
31 personal property damaged or destroyed by a discharge, any income lost
32 from the time such property is damaged to the time such property is
33 restored, repaired or replaced, any reduction in value of such property
34 caused by such discharge by comparison with its value prior thereto;

35 (c) loss of income or impairment of earning capacity due to damage to
36 real or personal property, including natural resources destroyed or
37 damaged by a discharge; provided that such loss or impairment exceeds
38 ten percent of the amount which claimant derives, based upon income or
39 business records, exclusive of other sources of income, from activities
40 related to the particular real or personal property or natural resources
41 damaged or destroyed by such discharge during the week, month or year
42 for which the claim is filed;

43 (d) loss of tax revenue by the state or local governments for a period
44 of one year due to damage to real or personal property proximately
45 resulting from a discharge; and

46 (e) interest on loans obtained or other obligations incurred by a
47 claimant for the purpose of ameliorating the adverse effects of a
48 discharge pending the payment of a claim in full as provided by this
49 article.

50 10. If any court of competent jurisdiction shall find any subdivision
51 or subdivisions of this section to be unconstitutional or otherwise
52 invalid, such findings shall not affect the validity of this section
53 which can be given effect.

54 § 2. Subdivision 1 of section 3-0301 of the environmental conservation
55 law is amended by adding a new paragraph ii to read as follows:

1 ii. Monitor vessel exhaust gas cleaning systems as provided in
2 section thirty-three-f of the navigation law and establishing rules,
3 regulations and standards relating thereto.
4 § 3. This act shall take effect on the ninetieth day after it shall
5 have become a law.