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 Assembly, do enact as follows:

Section 1. The environmental conservation law is amended by adding a 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.

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

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

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

4. The legislature therefore finds and declares that it is the duty of the state to act to preserve the economic vitality of affected communities.

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

LBD11357-03-3

§ 30-0103. Unlawful discharges.

To the extent not subject to preemption by federal law, and notwithstanding any other state or local law, rule, or regulation to the contrary, it shall be unlawful to discharge any radiological substance into the Hudson River in connection with the decommissioning of a nuclear power plant.

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

TITLE 28

ENFORCEMENT OF ARTICLE 30

Section 71-2801. Applicability of title.

71-2803. Penalties.

71-2805. Attorney general enforcement.

§ 71-2801. Applicability of title.

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

§ 71-2803. Penalties.

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

§ 71-2805. Attorney general enforcement.

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

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

§ 4. This act shall take effect immediately.