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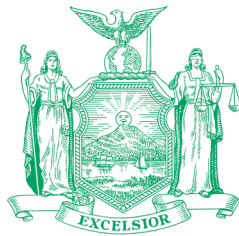
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Legislative report from the NYS Assembly Committee on Environmental Conservation

Environmental Conservation Committee Hearings

In 2013, the Assembly Standing Committee on Environmental Conservation continued its oversight of environmental issues by holding the following hearings:

Addressing Pesticide Contamination

Long Island's population of approximately three million people receives its drinking water from sole source aquifers. Although Long Island's soil helps ensure a plentiful groundwater supply, the same soil also helps contaminants such as pesticides to leach from the surface into the groundwater. For example, in 1979, Long Island became the site of the first detection of a pesticide in groundwater when the pesticide Aldicarb was detected.

Recent water quality studies have detected increasing pesticide contamination. For example, studies conducted by the Suffolk County Department of Health Services, the Suffolk County Water Authority, and the United States Geological Survey detected the pesticide Metalaxyl 1,292 times at 727 locations.

In a 1998 annual report issued pursuant to the State Pesticide Reporting Law, the Department of Environmental Conservation (DEC) recommended the development of a Long Island Pesticides Management Plan. After the passage of more than a decade, a draft plan was first released in 2011 and indicated, "With the exception of situations involving verifiable unlawful misuse of a pesticide (including unlawful disposal), and in the absence of a critical pest management need that cannot be met by alternative means, prohibiting regional use of pesticides that pose a threat to Long Island groundwater will be a first option." DEC has thus far opted not to finalize the 2011 draft proposal and instead, on January 30, 2013, released a new Long Island Pesticide Pollution Prevention Strategy for public comment. The new plan failed to provide measurable goals and objectives.

The Assembly Standing Committee on Environmental Conservation held a hearing on April 2nd in Farmingdale to solicit input on the plan released by the Department of Environmental Conservation regarding pesticide use on Long Island. At the hearing, some of the costs to ratepayers for wells taken out of service as a result of contamination were discussed as were recommendations on how to improve the plan. Copies of the testimony and transcript, as well as additional comments were forwarded to DEC.

Bond Act

A 2008 assessment of the costs to repair, replace, and update New York's wastewater infrastructure estimated the total funding need to be \$36.2 billion over a 20 year period. A similar assessment for drinking water infrastructure found a need of \$38.7 billion over a 20 year period. In the past, the issuance of environmental bonds has helped to provide funding for capital projects; however, the last environmental bond act was approved in 1996.

Legislation has been introduced (A.8121/Sweeney) that would establish the \$5 billion Clean Water/Clean Air/Green Jobs Bond Act of 2014. This legislation would authorize the voters to determine whether or not funding should be provided for projects that would:

- Protect, improve, and enhance the quality of drinking water and the enhancement of water bodies
- Repair, replace, and/or update municipal wastewater drinking water infrastructure, and
- Water quality related research and development

Hearings were held in Albany on September 6th and in Buffalo on October 22nd to examine the need for a new environmental bond act and to review DEC's implementation of the State Budget.

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News 12 and Newsday recently held a televised forum regarding recent studies showing that pollution in Long Island's ground water is increasing at an alarming rate. Assemblyman Sweeney said, "Nitrates, pesticides, and volatile organic compounds are present in our underground drinking water supplies at elevated levels." Sweeney has developed the Long Island Water Pollution Control Act, a regional water protection plan that contains specific actions for protecting Long Island's water supply.

From left to right: Suffolk County Legislator Dr. Spencer, Senator Carl Marcellino, and Assemblyman Bob Sweeney.

2013 Significant Legislation

Collection program for mercury thermostats

Prior to 2006, most thermostats contained a mercury switch, which consists of a glass tube with mercury inside. The mercury content of thermostats varies, but typically consists of at least three grams, or an amount of mercury about the size of a pea. Mercury has been proven to cause health impacts, including impairing brain development. The Centers for Disease Control and Prevention estimate that between 300,000 and 630,000 infants each year are born in the United States with mercury levels high enough to be associated with IQ loss.

Each year, more than two million mercury-containing thermostats are discarded. Most states now ban the sale of new mercury-containing thermostats, but despite disposal limitations, only a very small percentage of old thermostats are collected and recycled. The remainder enters the waste stream and poses the potential to pollute the environment.

This year, the Legislature passed legislation (A.8084/Sweeney) that would protect the environment and public health by requiring mercury thermostat manufacturers to establish a program to collect mercury-containing thermostats, ensuring they do not go on to cause harm to the public and the environment. This legislation has passed both houses and been signed into law.

Increased use of Biofuel

Biodiesel is made by "refining" fats and oils such as vegetable oil, waste grease, and used cooking oils. The use of biodiesel has been shown to result in less air pollution, a more efficient fuel, and reduced dependence on foreign energy sources. In addition, biodiesel is expected to open up new markets for New York businesses and farmers as a result of the

economic impact from the production, processing, and the construction of biodiesel facilities.

This year, the Legislature passed a bill (A.7906/Sweeney) that would require heating oil sold in New York to contain at least two percent biodiesel. The requirements would be phased in, with New York City, Nassau, Rockland, and Suffolk Counties effective October 1, 2014, and in the remainder of the State on July 1, 2015. This legislation was vetoed by the Governor.

Restrictions on feral pig possession

Eurasian boars, often referred to as feral pigs, wild boar, razorback, and Russian boar, are typically wild boars native to Europe and Asia. These boars were introduced in New York by game breeders and hunters, but are very difficult to contain. In addition, boars are prolific breeders, maturing in 6-10 months and producing up to two litters of six to eight piglets per year. As a result, the population of boars in any given year can double or triple, leading to increases in fecal coliform in streams and other water bodies.

An estimated 19 states have significant boar populations. A 2010 Clemson University study indicated that boars cause an estimated \$1.5 billion in damage to U.S. agriculture by trampling, consuming, and uprooting crops. Some counties in Texas have reported that feral pigs are the second biggest predator to sheep and goats, causing millions of dollars of agricultural damage each year.

Boars also damage native species and soils, uprooting vegetation in large swaths of land in their search for food. Based on their adaptability and naturally destructive behavior such as the consumption of vast amounts of crops and livestock, rapid maturation and reproduction rates and ability to transmit diseases,

Eurasian boars represent a threat to the public health and welfare. This year, the Legislature passed a bill (A.3767-A/Glick), signed into law as Chapter 417, that would prohibit the possession, sale, trade, and transport of Eurasian boar.

Restrictions on the possession of shark fins

Sharks occupy the top of the marine food chain and are a critical part of the ocean ecosystem. Because they are slow to reach reproductive maturity and birth small litters, they cannot rebuild their populations quickly. As a result, they are particularly susceptible to decline due to over-fishing. Studies show that the practice of shark finning, where a shark is caught, its fins are cut off and the carcass dumped back into the water, causes tens of millions of sharks to die each year.

This law, Chapter 171 of the Laws of 2013, will expand the prohibition on shark finning and prohibit the possession, sale, or distribution of shark fins unless such fins meet the following criteria: are taken from a spiny dogfish caught by a licensed commercial fisherman or are taken from a shark caught by a

recreational fisherman who has complied with the recreational marine fishing registration requirements.

Long Island water

Long Island's groundwater aquifers are the sole source of drinking water for nearly three million residents of Nassau and Suffolk Counties but the region's sandy soil helps contaminants leach from the surface into the groundwater.

Long Island's water resources do not conform to political boundaries. As a result, current planning, zoning, and sanitary code regulations are insufficient to accomplish regional surface and groundwater quality goals. Assembly bill 8163 (Sweeney), which was developed in conjunction with a broad coalition of environmental groups, and would establish a Long Island Water Quality Commission to be responsible for the development, adoption, implementation and long-term oversight of a Long Island Clean Water Quality Protection Plan, was recently introduced to address this issue. The Long Island-specific plan would: identify and evaluate priority threats to surface and groundwater, define specific actions and programs to improve water quality, and establish new Long-Island specific pollution reduction standards and regulations.



From left to right: Assemblyman Bob Sweeney, Ann Carmel, Adirondack Councilwoman, and Willie Janeway, Executive Director of the Adirondack Council discuss the new invasive species laws and other issues at Brant Lake in the Adirondacks.

Invasive species regulation update

Invasive species threaten New York's environment by out-competing native species, diminishing biological diversity, and changing whole ecosystems including those within public parks and waterways. In order to help mitigate the devastating environmental and economic impacts of invasive species, the Legislature enacted a law in 2012 to provide DEC and the Department of Agriculture and Markets with explicit authority to regulate the sale, purchase, possession, introduction, importation, and transport of invasive species and establish penalties for those who violate such regulations. In order to carry out the provisions of the 2012 law, the agencies had to promulgate rules and regulations for specific species. Those regulations have been drafted and were available for public comment until December 23, 2013.

2013 Super bills

Each year the Green Panel, consisting of more than a dozen environmental groups, identifies bills of special significance known as “super bills.” This year the following Environmental Conservation Committee bills received super bill status:

Fracking moratorium and health impacts assessment

would enact a moratorium on certain types of natural gas drilling until May 15, 2015 and require the completion of a comprehensive health impact assessment. This legislation (A.5424-A/Sweeney) passed the Assembly, but the Senate did not take action.

Child Safe Products Act

would require the disclosure of harmful chemicals used in children’s products and would restrict the sale of products containing certain dangerous chemicals. This legislation (A.6328/Sweeney) passed the Assembly, but the Senate did not take action.

Global Warming and Pollution Control Act

would require reductions in greenhouse gas emissions in New York State, with the goal of an 80 percent cut in total emissions by the year 2050. This legislation (A.6327/Sweeney) passed the Assembly, but the Senate did not take action.

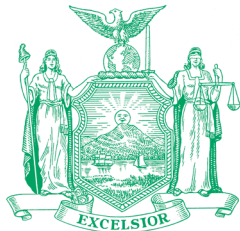
Environmental Conservation Committee Hearings *(continued from page 1)*

Climate Change

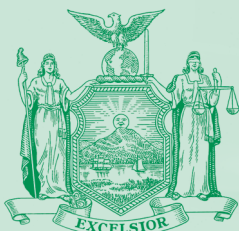
Long-term forecasts indicate that extreme weather events will become more frequent and severe as man-made changes impact the environment with resulting changes such as shrinking wetlands and warmer oceans. In coastal areas, extreme weather events will be compounded further by sea level rise. Hurricane Sandy provides only the most recent example of such an extreme weather event. Certain environmental infrastructure, such as wastewater treatment plants, was inundated and further worsened environmental damage. Hearings were held in New York City on January 16th and in Long Island on January 30th to solicit input on potential actions to mitigate the man-made factors that contribute to extreme weather events and thereby reduce the environmental impacts of such events.

DEC’s Proposed Fracking Regulations

On September 28, 2011, the New York State Department of Environmental Conservation (DEC) released its proposed High Volume Hydraulic Fracturing regulations. On December 12, 2012, DEC released revised regulations. On January 10th a hearing was held to receive public comment on the Department of Environmental Conservation’s proposed High Volume Hydraulic Fracturing regulations. Approximately 50 people testified. Copies of the testimony and transcript, as well as additional comments prepared by Assembly Members Sweeney, Gottfried, and Lavine were forwarded to DEC.



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