

December 15, 2006

Honorable Sheldon Silver
Speaker of the Assembly
New York State Assembly
932 Legislative Office Building
Albany, New York 12248

Dear Speaker Silver:

I am pleased to submit to you the 2006 Annual Report of the Assembly Standing Committee on Environmental Conservation. This year, under your leadership, the Assembly Majority continued to be a strong voice to protect our State's fragile environment, passing all four of the environmental "super bills" and increasing funding for the Environmental Protection Fund (EPF) to a record high \$225 million.

Thanks to the help of your leadership and the strength of the Assembly Majority, the State enacted several new environmental laws. For example, the Ocean and Great Lakes Ecosystem Act will address concerns raised at the Committee's public hearing on a Long Island Oceans in the fall of 2005. Another important new law, the Diesel Emission Reduction Act will ensure that all State-owned heavy duty vehicles and those under contract with the State use ultra-low sulfur diesel fuel.

The Committee continued its outreach and oversight efforts by holding public hearings on key environmental issues. This included a hearing on dam safety which led to the enactment of legislation requiring the Department of Environmental Conservation to provide copies of dam safety inspection reports to municipalities, as well as the introduction and passage of a number of other bills addressing dam safety issues. The Committee also held a hearing to examine the benefits and costs of requiring New York State to give preference to green products and services in its procurement process.

Under your leadership and with your continued support of the Committee's efforts, the Assembly will continue the work of preserving and protecting New York's tremendous environmental resources during the 2007 legislative session.

Sincerely,

A handwritten signature in black ink, appearing to read "Tom DiNapoli". The signature is written in a cursive style with a long horizontal stroke at the beginning.

Thomas P. DiNapoli, Chairman
Assembly Standing Committee on
Environmental Conservation

**2006 Annual Report
of the
Assembly Standing Committee
on
Environmental Conservation**

Thomas P. DiNapoli, Chairman

Committee Membership

Majority

**Thomas P. DiNapoli,
Chairman
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William L. Parment
Robert K. Sweeney
Harvey Weisenberg
Deborah Glick
Jeffrey Dinowitz
William Colton
Ruben Diaz Jr.
Adriano Espaillat
Steven Cymbrowitz
Michael N. Gianaris
Adam T. Bradley
Barbara S. Lifton
Daniel O'Donnell
Crystal D. Peoples
Aileen M. Gunther
Barbara M. Clark
Roger L. Green
George S. Latimer
Donna A. Lupardo**

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**Teresa R. Sayward,
Ranking Minority Member
Chris Ortloff
Patrick R. Manning
Fred W. Thiele Jr.
Daniel J. Burling
Jeffrey D. Brown
Joseph Saladino**

Staff

**Andrea Miller, Legislative Coordinator
Alexander J. Roth, Principal Legislative Analyst
Julia Mallalieu, Committee Counsel
Grisel Davis, Committee Clerk
Jacqueline Canabush, Program and Counsel Secretary**

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COMMITTEE RESPONSIBILITIES

The Assembly Standing Committee on Environmental Conservation, now in its 36th year, has jurisdiction over legislation affecting State environmental policy. The Committee considers bills amending the Environmental Conservation Law (ECL), Parks, Recreation and Historic Preservation Law, Canal Law, Executive Law, Soil and Water Conservation Districts Law, and Navigation Law.

The primary concerns of the Committee are pollution prevention and control, resource management, and environmental quality issues. The Committee also monitors the activities and enforcement of environmental laws by the Department of Environmental Conservation (DEC). During the 2006 legislative session the Committee considered 351 bills, acting favorably on 110, and 27 became law.

SUBCOMMITTEES

The Environmental Conservation Committee examined policy issues with the assistance of two subcommittees, the Subcommittee on Oversight of the Department of Environmental Conservation and the Subcommittee on Shoreline Protection. These subcommittees help to promote more deliberative and long-term discussions and solutions to challenges that can be complicated and far-reaching.

Subcommittee on Oversight of the Department of Environmental Conservation – Adam T. Bradley, Chair

This Subcommittee examines issues regarding the DEC's ability to protect human health and the environment and effectively implement the provisions of the Environmental Conservation Law. These issues include the adequacy of staffing at the Department, auditing of and reporting by the Department, ensuring public access to DEC records and overseeing the implementation of environmental laws and regulations.

Subcommittee on Shoreline Protection – Steven Cymbrowitz, Chair

This Subcommittee focuses on topics involving the protection of both coastal and freshwater shorelines. Issues considered by the Subcommittee may impact such areas as the shores of Long Island Sound, New York Harbor, the Great Lakes, the Hudson River and Adirondack lakes. The scope of issues under examination includes beach and shoreline erosion control, tidal and freshwater wetlands protection, shoreline setbacks to control nonpoint source pollution and protecting shore areas from aquatic invasive species.

2006 BUDGET HIGHLIGHTS

The State Fiscal Year (SFY) 2006-07 Enacted Budget included several significant victories for the environment. Most significant was an agreement to increase permanently the size of the Environmental Protection Fund (EPF) by \$75 million to a record high \$225 million. This record level of funding reflects a significant dedication of resources to environmental projects statewide and the \$100 million increase over the past two years brings total EPF funding much closer to the goal of \$300 million as proposed in Assembly Bill A.9283-A.

Another highlight of the 2006-07 Enacted Budget comes in the form of funding for the addition of 36 new staff positions at DEC related to various functions such as forest and land stewardship, dam safety and water quality. While this staff increase is a victory, it is a small step when considering that the Department has lost upwards of 800 staff since the mid 1990s.

In addition, the SFY 2006-07 Enacted Budget included an Assembly proposal to provide an income tax credit of up to \$5,000 annually for twenty-five percent of school district, county and town real property taxes paid on land that is under a conservation easement. This new tax credit recognizes the on-going public benefits provided by privately owned land that is permanently protected by a conservation easement.

Finally, the Budget includes environmental justice initiatives which focus on improving the environment in communities, specifically minority and low-income communities, and addressing disproportionate adverse environmental impacts that may exist in those communities. These include funding of \$500,000 for environmental justice grants to community-based organizations for projects aimed at researching a community's exposure to multiple environmental harms and risks. In addition, the Assembly ensured that no less than 25 percent of the amounts appropriated for local waterfront revitalization and municipal parks projects under the EPF be made available for projects in densely populated or low-income communities that are underserved with respect to existing recreational opportunities in the area.

ENVIRONMENTAL PROTECTION FUND (EPF)

In his budget proposal, the Governor responded to Assembly legislation (A.9283-A), which would increase the EPF to \$300 million, by proposing to increase the EPF by \$30 million from \$150 million to \$180 million.

The Assembly budget proposal boosted the Governor's proposal further by including \$200 million for the EPF. While the Senate proposal included the \$180 million proposed by the Governor, the Assembly worked closely with the Senate during the Budget Conference Committee process to reach agreement on a figure of \$200 million for the EPF. Unfortunately, the Governor failed to "resubmit" a budget bill containing the necessary authorization for the EPF.

In June 2006, the Assembly passed unanimously the EPF Enhancement Act (A.9283-A) and thereby returned attention to the importance of funding and enhancing the EPF. In the weeks that

followed, the Governor and the Legislature were able to reach agreement on the EPF which led to a record high funding level of \$225 million.

The final EPF budget led to substantial increases for traditional EPF programs such as municipal parks, waterfront revitalization, municipal recycling, non-point source pollution control, and agricultural and farmland protection. In addition, the extra funding will support three new purposes: water quality improvement, invasive species and ocean and Great Lakes protection.

The following table provides a detailed description of the allocations within the individual EPF accounts:

EPF Category	\$ (in millions)		
	Enacted 2005-06	Executive 2006-07	Enacted 2006-07
Solid Waste Account	20.775	18.775	24.275
Municipal Recycling	7.000	6.000	8.750
Secondary Markets	7.000	6.000	8.750
Hudson River Natural Resource Damages	1.300	1.300	1.300
Pesticide Program	2.475	2.475	2.475
Landfill Closure/Gas Management	3.000	3.000	3.000
Parks, Recreation & Historic			
Preservation Account	46.815	55.065	79.970
Local Waterfront Revitalization	14.250	13.250	27.000
Municipal Parks	14.315	13.315	20.470
Hudson River Park	5.000	5.000	5.000
Stewardship	6.500	15.000	15.000
Historic Barn Program	0.750	2.500	5.000
Zoos, Botanical Gardens, & Aquaria	6.000	6.000	7.500
Open Space Account	82.410	106.160	120.755
Land Acquisition	40.000	50.000	50.000
Quality Communities Grants	0.000	5.000	3.000
Agricultural & Farmland Protection	16.000	19.000	23.000
Biodiversity	1.000	1.000	1.500
Albany Pine Bush	0.800	0.800	1.500
Invasive Species (new)	0.000	2.000	3.250
Long Island Pine Barrens Planning	0.950	0.950	1.100
Ocean and Great Lakes (new)	0.000	1.000	3.000
Water Quality Improvement (new)	0.000	5.000	7.000
Long Island South Shore Estuary Reserve	0.600	0.600	0.900
Non-point Source Pollution Control	11.700	12.000	16.505
Soil and Water Conservation Districts	1.860	2.310	3.000
Finger Lakes - Lake Ontario Watershed	1.500	1.500	2.000
Hudson River Estuary Management	5.000	5.000	5.000
Total	150.000	180.000	225.000

ENVIRONMENTAL QUALITY

Enhancing Access to Information Regarding Environmental Facilities. The Environmental Notice Bulletin (ENB) is a valuable tool for increasing public awareness of conditions or activities in their community which might affect the environment. The Department of Environmental Conservation (DEC) currently makes the ENB available on its Internet website. However, the ENB is not searchable by location, apart from its being organized according to DEC regions. This bill would require that the contents of the ENB be made available to the public on the Internet, remain available for seven years, and be searchable by zip code, GPS coordinates, and street address. The bill would also require that specific notices required to be published in the ENB contain the ZIP code, GPS coordinates, and street address of the site to which such notice relates. This bill passed the Assembly and Senate, but was vetoed by the Governor. Veto Message No. 290 – A.11479-A (DiNapoli)

Encouraging Water Pollution Control. Created by Chapter 565 of the Law of the 1989, the Clean Water State Revolving Fund (CWSRF) is administered by the DEC and the New York Environmental Facilities Corporation. This fund provides financial assistance – primarily to municipalities – in acquiring, constructing and upgrading eligible water pollution control projects. In 1992, the CWSRF interest rate subsidy level was increased to fifty percent. This increase served to stimulate local governments to initiate clean water projects and has been extended four times since. This law extends the EFC’s ability to provide the fifty percent interest rate subsidy to recipients of CWSRF financing until September 30, 2009. Chapter 533 of the Laws of 2006; A.11697 (Rules – Peoples)

Encouraging Environmental and Conservation Education. The official magazine of the Department of Environmental Conservation, “The Conservationist” is an award-winning, informative publication focusing on the State’s natural history and outdoor recreational opportunities. Chapter 548 of the Laws of 1995 authorized the DEC to hold sweepstakes in order to increase new subscription and renewal rates of this important educational resource. This law will extend such authority until August 1, 2009. Chapter 269 of the Laws of 2006; A.11305 (O’Donnell)

Enhancing the Environmental Protection Fund (EPF). New York State’s Environmental Protection Fund (EPF) was created in 1993 as the first-ever permanent dedicated environmental funding mechanism in New York. This bill would increase the deposits from the Real Estate Transfer Tax (RETT) to the EPF to bring total annual EPF funding to \$300 million. Sprawling development across New York State consumes open space and farmland, threatens clean water, increases fuel consumption and air pollution, and creates more solid waste. This same sprawling development has resulted in an exponential increase in receipts from the Real Estate Transfer Tax, the primary revenue source for the EPF. However, a diminishing percentage RETT revenue has been dedicated to conservation, while at the same time the cost of environmental protection has increased. This bill would help enhance funding for the many programs within the EPF where demand greatly outstrips available funding. This bill passed the Assembly, but died in the Senate. A.9283-A (DiNapoli)

Encouraging Smart Growth. As New York’s population continues to spread out from urban areas into the suburbs and outlying small towns and villages, the need for responsible growth, incorporating economic, environmental and quality of life concerns, has grown. This bill would encourage the application of smart growth principles statewide by enacting the “State Smart Growth Public Infrastructures Policy Act”. The bill would ensure that projects undertaken, approved or financed by the Department of Environmental Conservation, the Department of Transportation, the Department of Education, the Department of Health, the New York State Housing Finance Agency, the Housing Trust Fund Corporation, the Environmental Facilities Corporation, the Dormitory Authority and the New York State Urban Development Corporation are consistent, to the extent practicable, with smart growth criteria. The bill would also direct the chief executive officer of each of the agencies listed above to create smart growth advisory committees within their respective agencies which would monitor the consistency of agency policies, programs and projects with the smart growth criteria. This bill passed the Assembly, but died in the Senate. A.3574 (DiNapoli)

State Environmental Quality Review Act Standing. Under current law, individuals can be effectively barred from bringing legal actions alleging violations of the environmental quality review provisions of the Environmental Conservation Law solely on the basis that the injury alleged by such individual does not differ in kind or degree from the injury that would be suffered by the public at large. This bill would ensure that individuals are allowed to bring private actions alleging violations of the State Environmental Quality Review Act (SEQRA) regardless of the kind or degree of injury that would be suffered by the public at large. This bill passed the Assembly, but died in the Senate. A.114-A (Bradley)

Controlling Light Pollution. The vast majority of outdoor lighting in use today wastes energy because it is poorly designed. Such waste results in both higher costs for lighting and increased pollution from power plants producing the wasted electricity. This bill would protect the night time environment and conserve energy by allowing the DEC to designate dark areas and by limiting the installation of unnecessary new and replacement lights by State agencies and public authorities. This bill would also prohibit unreasonable placement of lights which reduce the privacy of neighbors and would provide for the development of a model comprehensive outdoor lighting ordinance. This bill passed the Assembly, but died in the Senate. A.7404 (Grannis)

Environmental Impact Zone Designation. This bill would require the DEC to publish a list of “high local environmental impact zones”, which are defined as those areas of the State which are most adversely impacted by existing environmental hazards. In compiling this list, the DEC would consider potentially adverse environmental impacts within an area, such as releases of toxic chemicals and petroleum discharges, the quantities of emissions, discharges and stored waste authorized by permit, the amount of pesticides sold and used in the area, the proximity of water bodies, and air quality of the area. This bill passed the Assembly, but died in the Senate. A.5982 (Diaz, R.)

Ensuring Equitable Environmental Quality Review. This bill would add a new requirement to environmental impact statement preparation under the State Environmental Quality Review Act (SEQRA) requiring a detailed statement on whether the action of concern would cause a disproportionate or inequitable burden, or a vital indirect impact, on the minority community or

economically distressed area affected by the action. The bill would also direct the DEC to expand the existing criteria used in the SEQRA process for determining whether or not a proposed action may have a significant effect on the environment to include consideration of the proposed action's expected burdens on minority communities and/or economically distressed areas that are affected by the action. This bill passed the Assembly, but died in the Senate. A.1808 (Brotsky)

Enhancing Environmental Quality Review. This bill would ensure the consideration of emerging issues in environmental protection, such as the environmental impacts of proposed projects on children, in the determination of significance of a project or action under the State Environmental Quality Review (SEQR) process. The DEC would be required to annually update any forms or documentation designed to assist applicants and lead agencies in determining whether a proposed project may have a significant impact on the environment. When updating such forms or documentation, the Department would be required to consider changes in science and emerging issues in environmental protection, including impacts on sensitive populations, such as children. This bill passed the Assembly, but died in the Senate. A.421 (Paulin)

HAZARDOUS WASTE MANAGEMENT

Hazardous wastes continue to pose a significant threat to the health of New York State residents. When disposed of improperly, these wastes can cause irreparable damage to the environment and endanger drinking water supplies. The highly successful State Superfund Program created in 1982 has cleaned up 455 sites over the years. In 2003, the Superfund program was refinanced and the Brownfields Cleanup Program was created to encourage developers to clean up and reuse previously contaminated sites. Despite these efforts, many challenges remain in protecting New York's citizens from hazardous wastes. For example, there has been a dramatic increase in the amount of hazardous waste entering the solid waste stream as a result of the disposal of obsolete electronic equipment, including computer monitors, cellular telephones, which poses a serious problem for solid waste managers.

Hazardous Substance Spills Reporting. This new law requires the DEC to notify communities affected by hazardous spills within 48 hours of the Department receiving notification of the problem. This law was enacted in response to incidents such as the 2,100 gallon spill of ethylene glycol that occurred in the Village of Endicott on January 18, 2006. The contamination eventually ended up in the Susquehanna River, yet the public was not made aware until April 8. Given the public health concerns raised by such spills, this new law mandates that the Department notify the public within 48 hours of a hazardous substance or acutely hazardous substance spill. This legislation ensures that the public is aware of any potential health hazards, creates more transparency and attempts to prevent surprise reports that lead to public confusion. Chapter 616 of the Laws of 2006; A.10757-B (Lupardo)

Environmental Test Reporting. Contamination of indoor air by volatile chemicals from contaminated soil and groundwater is an emerging area of public health concern. Contaminants vaporize and rise up from soil through cracks, gaps, or pores into homes and buildings' foundations and living areas. Occupants of these buildings are unknowingly exposed to

contaminants, which may have negative impacts on their health. This new law requires the timely notification of property owners regarding the results of environmental testing in order to protect public health. Chapter 707 of the Laws of 2006; A.10633-A (Lifton)

Mercury-Free Vehicles. Mercury is a persistent and toxic metal that bio-accumulates in the environment. Forty-one states, including New York, have issued fish advisories warning certain individuals, including pregnant women and women of child-bearing age, to restrict or avoid consuming fish from bodies of water contaminated with mercury. This new law phases-out the use of mercury-added components in motor vehicles over four years. In addition, the law provides for a State purchasing preference to be granted for vehicles that are mercury-free. Chapter 611 of the Laws of 2006; A.10621-A (Colton)

Tenant Notification of Contamination. The DEC does not require landlords to notify tenants of known contamination including vapor intrusion that has occurred on the property while homebuyers must be informed of certain environmental threats, prior to the transfer and sale of property. In Endicott and Ithaca, for example, renters were unknowingly exposed to environmental hazards such as vapor intrusion even though landlords were notified about the contamination. This bill would require a landlord to inform a tenant or prospective tenant of any known or suspected environmental contamination of residential rental property. Specifically, this bill would require a landlord to disclose to all tenants and prospective tenants the results of any test that has been provided to the landlord as the result of an investigation pursuant to Article 12 of the Navigation Law or Article 27 of the ECL. Upon completion of remediation of such property, the bill would require a landlord to provide a copy of a closure letter, "no further action" letter or certificate of completion. This bill passed the Assembly and Senate, but was vetoed by the Governor. Veto Message No. 342 – A.10120-C (Lupardo)

Hazardous Waste Disposal Facility Siting. This bill would amend the Environmental Conservation law to prohibit any industrial hazardous waste disposal facility from being sited in a location with the potential to discharge into the Great Lakes system. The legislation would resolve a conflict that presently exists between New York State Hazardous Waste Siting Law and the 1978 Great Lakes Agreement between the United States and Canada. The 1978 agreement and subsequent amendments established the objective of "zero discharges" of toxic chemicals into the Great Lakes system, while New York State Hazardous Waste Siting Law has no prohibition on facilities which accumulate and discharge such contaminants. This bill passed the Assembly and Senate, but was vetoed by the Governor. Veto Message No. 355 – A.11713 (DelMonte)

Reducing Human Exposure to Creosote. The term "creosote" refers to a variety of products derived from coal tar or other sources, such as wood creosote, coal tar creosote and coal tar pitch, primarily used as wood preservatives. Creosote contains several chemicals that are classified as potential human carcinogens by the United States Environmental Protection Agency (US EPA), and short-term exposure to creosote can result in skin irritations, chemical burns of the eyes, mental confusion, and respiratory ailments. In addition, because it is water-soluble, creosote can contaminate surface and ground water. Effective January 1, 2007, this bill would prohibit the manufacture, sale, and use of creosote in New York State. The bill would provide exemptions for the railroad and utility industries and, until January 1, 2009, marine structures. The bill would also

regulate the disposal of creosote and wood treated with creosote, prohibit the burning of creosote and restrict the burning of creosote-treated wood. This bill passed the Assembly and Senate, but was vetoed by the Governor. Veto Message No. 415 – A.10737 (Brodsky)

Mercury Switch Removal from Vehicles. This bill would require motor vehicle manufacturers to develop plans to collect mercury switches from end-of-life motor vehicles. It has been estimated that the historic and current use of mercury in motor vehicles can cause the release of as much as ten tons of mercury into the environment each year. Based on the automobile industry's own data, there is estimated to be between one hundred fifty and two hundred tons of mercury in the motor vehicles currently on the road in North America. Requiring recovery and recycling of mercury-containing components will prevent contamination of water and soil resources due to improper disposal. This bill passed the Assembly, but died in the Senate. A.3336-B (Colton)

Assisting Small Generators of Hazardous Waste. Recent studies indicate that as many as 25 percent of small generators of hazardous waste in New York State remain outside the regulatory system. These small quantity generators often cite lack of knowledge of the regulations and lack of information on how to interpret and comply with these regulations as reasons for their non-compliance. This bill would ensure that small generators are properly informed and able to comply with hazardous waste storage and disposal regulations by establishing a small quantity generator education and compliance program for firms that generate small quantities of hazardous waste. This bill passed the Assembly, but died in the Senate. A.2882 (Morelle)

PESTICIDES MANAGEMENT

Pesticides are used in virtually every facet of people's lives, and people are oftentimes unknowingly exposed to them. Common everyday uses include mosquito control, pest control in schools, restaurants and homes, and eradication of undesirable plant species. Pesticides continue to be widely used, despite potential health risks and concerns. The Committee considered several pieces of legislation aimed at preventing unnecessary exposure to some of these substances.

Certification for the Application of Aquatic Antifouling Paints. This law creates a new pesticide certification process for the commercial application of aquatic antifouling paints, as well as a new business antifouling paint applicator registration process. Many businesses in the marine industry provide services to boat owners that involve painting vessel hulls, boat bottoms, structures and other marine surfaces with aquatic antifouling paints to inhibit the growth of aquatic organisms. To do this, marinas must employ a certified pesticide applicator and register the business with the DEC. The requirements to be a pesticide applicator in New York State go well beyond what is needed to paint boats. To make the certification process more applicable to what marinas actually do, this new law establishes a special permit and certification process for commercial application of aquatic antifouling paints. Chapter 274 of the Laws of 2006; A.11457 (DiNapoli)

Ensuring the Proper Disposal of Farm Pesticides. This bill would establish a program for the collection and disposal of agrichemicals and pesticides from farms within the State. While the agricultural community has proven to be extremely cooperative with the DEC's efforts to protect our environment by not using remaining stocks of delabelled pesticides, these chemicals still pose a risk to the environment. Because there has never been an organized, ongoing, statewide protection program to collect and safely dispose of these unused pesticides, it is estimated that hundreds of thousands of pounds of these toxic compounds remain stored in barns and storage sheds across the State. Many of these compounds have been stored on site for years. While there is no expectation that farmers will suddenly decide to abandon their responsible approach to environmental stewardship and release these compounds, it is the unintended release of these compounds that represents the greatest hazard. Much of this inventory is stored in decaying containers, a situation that can be expected to worsen over time. This bill would provide a mechanism for safe and efficient disposal of these chemicals, protecting our environment in the future. This bill passed the Assembly, but died in the Senate. A.8028-A (DiNapoli)

Creating a State Urban Pesticide Board. This bill would create a ten member urban pesticide board within the DEC to investigate the proliferation of pesticides in urban areas. Recent reports have revealed the widespread use of pesticides in urban areas of the State. According to the DEC's pesticides reporting program, more than one-quarter of all pesticides used in the State during 1998 were applied in New York City. The board created by this bill would examine, evaluate, and make recommendations concerning the sale, use and application of pesticides in urban areas. This bill passed the Assembly, but died in the Senate. A.6448-A (Wright)

Phasing Out the Use of Pesticides by the State. This bill would provide for the implementation of a policy to discontinue the use of pesticides by all state agencies, public authorities, and public benefit corporations and would require the adoption of a pest control policy that substantially relies on non-chemical pest controls. New York State agencies and authorities and their contractors use pesticides that are known to contaminate ground and surface water, cause reproductive or developmental defects, and are often toxic and/or carcinogenic to humans. Restriction of pesticide use by the State will not only prevent the harmful environmental and health effects of these chemicals but may also save taxpayers money. This bill passed the Assembly, but died in the Senate. A.1802-B (Brodsky)

AIR QUALITY

The effect of air pollution is widespread and has no boundaries when contaminating the water and land. Acid rain and related nitrogen based air pollution degrade ecosystems in the Adirondack Park and damage aquatic systems in the Long Island Sound. The dangers to human health as a result of airborne contaminants are equally serious. Childhood asthma is a serious concern throughout the state, especially in urban areas, and airborne contamination can also lead to adult health problems. The challenge of curtailing existing air pollution as well as preventing new air pollution will continue to be a formidable task.

Diesel Emission Reduction Act. This new law will help address the public health threat posed by the combustion of diesel fuel by requiring that all State-owned heavy duty vehicles and those under contract with the State use ultra-low sulfur diesel fuel (ULSD). It also requires these vehicles to be fitted with best available retrofit technologies to further reduce tailpipe emissions. Diesel exhaust particle pollution is a clear and present health threat to New Yorkers. According to the United States Environmental Protection Agency, diesel exhaust particles are a likely lung cancer agent. Diesel exhaust is also a prime contributor to the formation of ground level ozone, a powerful respiratory irritant that is linked to premature death, asthma attacks and can damage the lung tissue of children. Chapter 629 of the Laws of 2006; A.11340 (Grannis)

Capping Mercury Emissions into the Air. This bill would establish caps for mercury emissions from power plants and incinerators in New York State emissions and prohibit emissions in excess of such caps after January 1, 2012. Such caps would be set at 90 percent below baseline levels. Mercury is a toxic pollutant that has been linked to impairment of the nervous system, kidney and heart function, and neonatal brain damage. The bill would also require the DEC to release a report in conjunction with the Department of Health within four years on the effects of mercury emissions on human health and the environment. This bill passed the Assembly, but died in the Senate. A.6484 (Grannis)

Prohibiting the Open Burning of Solid Waste. This bill would prohibit the open burning of residential solid waste. Current regulations allow for the open burning of solid waste in communities with less than 20,000 people. Unfortunately this practice remains prominent in some communities, with resulting degradation of air quality and negative health effects, particularly for those with breathing difficulties. A recent United States Environmental Protection Agency report, prepared with the cooperation of the NYS Department of Health and DEC, found that one household burn barrel is capable of emitting amounts of airborne dioxin and other toxic pollutants equivalent to those given off by a small (200 ton per day) modern, well-controlled municipal incinerator. This bill passed the Assembly, but died in the Senate. A.3073 (Koon)

Enhancing Public Notification of High Levels of Air Emissions. In the past, major sources of air pollution have exceeded emissions limits while the public was left unaware of the potential health risks of such pollution. One such instance occurred during the winter of 2002-03 when Power Authority of the State of New York (PASNY) power plants in New York City and Long Island violated emissions limits and were subsequently fined by the DEC. The public was not

informed of the violations and thus was unaware of the increased risk of health hazards associated with high levels of emissions, which included ammonia, carbon monoxide and nitrous oxide. The bill would require the owner or operator of a source to provide notification within 24 hours to the Department of Environmental Conservation (DEC) and the public in instances where the source has exceeded emissions limits for a second or subsequent time. Upon notification, the DEC would be required to solicit from the Department of Health a study identifying the health implications of such emissions. The study would have to be completed within 90 days of the emission violation notification and would be made available to the public. Finally, the bill would provide that in cases where a settlement of air operating permit violations includes an environmental benefit project, such project should be undertaken within the municipality where the violation occurred. This bill passed the Assembly, but died in the Senate. A.5328 (Ramos)

MARINE RESOURCES

Revenue from commercial and recreational marine fisheries constitutes a significant portion of New York's economic base. Recently, however, many marine species have declined due to over-fishing, point and non-point source pollution, and loss of habitat. In order to promote the recovery and ensure the long-term health and abundance the marine fisheries resources and habitat, significant management measures are needed. The Committee worked diligently towards these ends.

Seagrass Research, Monitoring and Restoration Task Force. Seagrass is submerged aquatic vegetation that is specialized to live in the marine environment. It provides food, habitat, and nursery areas for hundreds of species of fish and shellfish. This new law creates a task force which will establish the necessary framework for reducing the impact of direct and indirect threats and restoring and properly managing seagrass into the future. Seagrass was once very extensive in Long Island Bays. While it is still growing well in some areas, others have seen dramatic declines. The combination of factors contributing to these declines is not completely apparent. Seagrass is sensitive to changes in water quality, and has become recognized as important indicator species that reflect the overall health of coastal ecosystems. Chapter 404 of the Laws of 2006; A.11523 (Sweeney)

Authorizing the Use of Mechanical Haulers to Retrieve Clam Rakes. This new law authorizes the use of a pot hauler in the taking of hard clams for retrieving a clam rake, provided that the clam rake does not have a basket exceeding 26 inches in width. This law defines a pot hauler as a mechanically operated device, including but not limited to a winch, reel, windlass or capstan, which is used to haul or retrieve a clam rake from the water and return it to the harvest vessel. This will offer some relief from the physical punishment of commercial clamming, preventing injuries relating to heavy lifting, and allowing individuals who are older and/or not as strong to still participate in the fishery. Chapter 255 of the Laws of 2006; A.10849 (DiNapoli)

Shellfish Vessel Endorsement and Regulation of Hard Clams. This new law provides for endorsement of a shellfish digger's permit to a vessel which will authorize all persons on board the vessel to engage in the taking, culling, sorting, and tagging of hard clams and oysters. A vessel endorsement provides the operator/harvester with more flexibility to find reliable helpers to work on board a vessel on a daily basis. In addition, this new law provides the DEC with regulatory authority to adopt measures for the management of hard clams, soft or steamer clams, and razor clams. These measures include size limits, catch and possession limits, open and closed seasons, closed areas, restrictions on the manner of taking and landing, requirements for permits and eligibility therefore, record-keeping and identification requirements, requirements on the amount and type of fishing effort and gear, and requirements relating to transportation, possession and sale. Chapter 394 of the Laws of 2006; A.11803 (Rules – DiNapoli)

Restricting the Use of Trawls with Attached Weights. This bill would restrict the use of attached weights on trawl nets (commonly known as "rollers" or "cookies") in order to protect underwater habitats and those organisms which depend on such habitat. Many rocky or "hard" bottoms serve as nurseries for juvenile finfish species, providing them with protection from predators and food opportunities in the form of smaller marine organisms such as sponges, sea anemones and sea cucumbers. Unlike un-weighted trawl nets, the use of heavy gear over hard bottoms can cause long-lasting damage to important benthic habitat. This bill would prohibit the use of attached weights on trawl nets, but would allow the use non-metallic weights four inches in diameter or less to protect the ground wires of such nets. This bill passed the Assembly, but died in the Senate. A.6893 (Sweeney)

WILDLIFE AND FRESHWATER FISHERIES

New York's wildlife and fisheries are valuable sources of recreation and economic activity. The sale of hunting and fishing gear is a significant source of revenue, and people from all over the world travel to New York to hunt, fish, and view wildlife. The wildlife and freshwater fisheries must be managed for preservation and protected from degradation. The Committee recognizes this need and has passed legislation to ensure the protection of the wildlife and fisheries of New York.

New York Fishing Promotion Program. Fishing, in addition to being an outdoor recreation activity for residents in each state, is a form of tourism when anglers cross state lines to go fishing. This new law establishes a program which that encourage residents and out-of-state anglers to utilize New York State's fishing opportunities. Under this new law, the DEC is required to work with groups to develop and conduct educational fishing clinics and outreach programs. DEC will also post and maintain information on its internet website regarding fishing seasons, conditions and public access points. It is intended that this new program will attract non-resident anglers to New York State as well as encourage resident anglers, especially new and youth anglers, to fish in New York's waters. Chapter 576 of the Laws of 2006; A.5808-C (Morelle)

Increasing Penalties for the Unlawful Taking of Deer. This bill would increase penalties for the illegal taking of deer by increasing potential fines for the first such offense and adding new provisions for the suspension of hunting licenses. The bill would also create new penalties for subsequent offenses, including increased fines, potential terms of imprisonment and longer durations of license suspensions. White-tail deer are among the most popular game species in New York and existing penalties for deer poaching are inadequate to deter individuals who would consider breaking the law to get a “trophy” buck. This bill would help further deter such individuals by increasing monetary penalties and by providing for the suspension of hunting licenses. This bill passed the Assembly and Senate, but was vetoed by the Governor. Veto Message No. 263 – A.10113-A (DelMonte)

Protecting Hunting Dogs. Under current law, any person over the age of 21 years old possessing a hunting license can kill a dog pursuing or killing wildlife. This new law helps to protect hunting dogs from accidental killing by providing that dogs pursuing wildlife may only be killed by environmental conservation officers, forest rangers or members of the state police if, in their judgment, the dogs are pursuing a deer with the intent to kill it. Chapter 610 of the Laws of 2006; A.10600 (Aubertine)

Coyote Hunting with Dogs and Rifles. This new law eliminates the requirement of obtaining a permit from an environmental conservation officer to hunt coyotes with dogs and firearms in the Northern Zone during the coyote hunting season. An individual hunting in this manner still must possess the required hunting licenses for hunting coyotes; however, he or she is no longer required to obtain a special permit. This conforms the requirements for the Northern Zone to those in the Southern Zone. Chapter 309 of the Laws of 2006; A.7711 (Aubertine)

Right of Public Access to Navigable Waterways. This bill would statutorily define and regulate the right of public access to navigable waterways. The need for such assertion has arisen out of litigation involving an individual's attempt to prohibit the public from fishing in water that he contends he owns and controls. Because of confusion and misunderstanding that developed over the years, public use of some navigable waterways has been obstructed illegally by riparian landowners. This bill would remove much of the ambiguity that has been associated with determining which of the State's waterways are available for public recreational use as well as continued commercial use. Such clarification and accessibility will benefit riparian landowners, river recreationalists, law enforcement officers and other parties with a primary or secondary direct interest. This bill passed the Assembly, but died in the Senate. A.10048 (Grannis)

Home Rule Trapping. This bill would authorize counties to restrict, limit or prohibit trapping within their municipal boundaries. Currently, three counties across the State have enacted local laws to impose more limits on the use of traps throughout their counties. The State has challenged these laws and has been upheld in court, as the control of wildlife lies with the State and the authority to regulate trapping is specifically withheld from counties. The precedent to allow counties to limit the use of traps has already been set but legislation is necessary to clarify existing law so that counties may go forward with any intentions to limit trapping without fear of State intervention. This bill passed the Assembly, but died in the Senate. A.1835 (Grannis)

Protecting the State's Freshwater Fisheries. This bill would protect the viability of the State's freshwater fisheries by prohibiting the commercialization of freshwater fish taken under the privilege of a sportfishing license. This bill would prohibit the sale of fish taken pursuant to the privilege of a New York State recreational fishing license or any similar recreational or sportfishing license issued outside of the State. This measure would prevent over harvesting of unprotected fish (those not subject to minimum size limits or a closed season) and eliminate conflicts between recreational and commercial anglers. New York remains one of only four states where recreational anglers are allowed to sell certain species of freshwater fish for profit. This bill passed the Assembly, but died in the Senate. A.1814-C (DeMonte)

ENVIRONMENTAL ENFORCEMENT

Improving New York State's Compliance with its own Environmental Laws. Among the largest polluters in New York State is the State itself. This bill seeks to remedy this situation by requiring the Department of Environmental Conservation to impose penalties upon any State agency which fails to complete a legitimate remediation plan within the time frame projected in the agency's environmental audit as provided for under section 3-0311 of the Environmental Conservation Law. This bill would make agencies accountable to the public and allow for action against agencies and their heads for failure to develop and carry through legitimate remedial plans. This bill passed the Assembly, but died in the Senate. A1833 (Grannis)

Guidelines for Disqualification of Stand-by Contractors for Environmental Concerns. This bill would require the Department to establish guidelines for disqualification of stand-by contractors based on past performance on state contracts, fairness of price charged for past performance, negligence or malfeasance committed during the past performance and any conviction of a crime which reflects upon the honesty, integrity or capability of a contractor. Current law authorizes establishing guidelines for qualifying stand-by contractors based upon past performance, but not disqualifying them. This bill passed the Assembly, but died in the Senate. A.3958 (Pretlow)

Requiring Bond or Other Financial Security in Lieu of Penalty for Violations. Due to a lack of enforcement resources at the DEC, violators of environmental laws may choose to sign consent orders to clean up and abate pollution at a site or switch to more environmentally sensitive industrial practices in lieu of paying fines. Unfortunately, many times these consent orders are not completed. This bill would provide the violator with an economic incentive for expedient resolution of the infraction, and would equip the DEC with the means to ensure that violators are penalized for noncompliance. This bill passed the Assembly, but died in the Senate. A.1838 (Grannis)

Prohibiting Negligent Solid Waste Facility Operators from Receiving Permits. There have been cases where operators of solid waste management facilities who have had their permit revoked or suspended have attempted to circumvent the permitting process by closing their business and reapplying under a different corporation with the same employees, management procedures and operating procedures. This bill would authorize the DEC to refuse to issue a

permit for a period of two years to a solid waste management facility under Article 27 of the ECL that has had its permission to operate revoked or suspended. This bill passed the Assembly, but died in the Senate. A.901 (Lentol)

Increasing Penalties for Wetland Violations. This bill would increase maximum civil penalties for violations of the Freshwater Wetlands Act from \$3,000 to \$10,000, and increase maximum criminal fines to \$5,000 for a first offense and \$10,000 for subsequent offenses. Current sanctions are low enough that the cost of noncompliance is often treated as just another project cost. The bill would raise civil and criminal penalties for filling or damaging wetlands to a level that serves as a disincentive to violating the wetlands law. This bill passed the Assembly, but died in the Senate. A.293 (Grannis)

SOLID WASTE MANAGEMENT

The Solid Waste Management Act of 1988 established New York State's solid waste management system: the reduction, reuse, recycling, and disposal of solid waste. The Solid Waste Management Act encourages municipalities to make significant progress in reducing the amount of solid waste generated.

Since the passage of this Act, the State has been faced with new solid waste challenges as products have changed and technology has advanced. The Committee has responded to those challenges by advancing numerous pieces of legislation as discussed below.

Encouraging the Recycling of Wireless Telephones. Over the past 10 years, the use of wireless telephones has grown dramatically. With continuously emerging technologies, consumers frequently replace their wireless telephones with new ones. Moreover, pre-paid wireless telephones are now available and many of these are being marketed as disposable telephones. Wireless telephones contain hazardous materials and need to be disposed of properly. This new law requires wireless telephone service suppliers engaged in the retail sale of wireless telephones to accept used wireless telephones or provide shipping at no charge for such telephones. Such service suppliers will be required to take reasonable steps to ensure each used wireless telephone accepted is either recycled, reused or disposed of in an environmentally sound manner. Chapter 730 of the Laws of 2006; A.3390-A (Colton)

Regulating Vehicle Dismantlers. This new law sets forth requirements for vehicle dismantlers such as the submission of annual reports and handling procedures for various materials. Residents in communities that host vehicle dismantling facilities have been subjected to stacks of automobiles rising over fences, explosions from equipment used in operations, and other quality of life nuisances. In addition, potentially hazardous materials and residues can cause or contribute to fires and may become airborne into the surrounding community. The new law also seeks to ensure the safe storage of automobiles at such facilities, including the regulation of stacking automobiles, as well as to ensure the safe handling, processing and storage of any residues, including, but not limited to, product left over after an automobile is crushed and parts have been extracted, in such a

manner as to prevent off-site migration or run-off. Chapter 180 of the Laws of 2006; A.7633-B (Eddington)

Expanding New York's Bottle Recycling Law. The Returnable Container Act (the bottle bill) has been one of New York's most successful recycling initiatives. Not only has it reduced litter along our roadways and in our public spaces, it has reduced the burden of solid waste disposal that is shouldered by our municipalities. Since enactment of the bottle bill in 1982, however, beverages such as bottled water, juices and teas have become increasingly popular. Non-carbonated beverages now represent over 20 percent of beverage containers sold in New York, but are not covered under current law. This bill would expand the bottle bill to all beverages, with the exception of liquor, wine, infant formula and milk. Additionally, the bill would provide for the recapture of unclaimed deposits by the State to be deposited in the Environmental Protection Fund (EPF). The funds would be distributed by DEC region proportionate to the amount that came in from each region. In addition to expanding the bottle bill to include non-carbonated beverages, this legislation would provide for several important reforms to New York's beverage container recycling law, which was enacted over 20 years ago. Specifically, the bill contains provisions designed to increase redemption rates; ease burdens on retailers; encourage the establishment of new redemption centers; discourage transshipping (whereby containers purchased out-of-state are redeemed in New York); and facilitate enforcement. This bill passed the Assembly, but died in the Senate A.2517-D (DiNapoli)

Encouraging the Recycling of Electronic Equipment. In today's era of fast-paced technological change, most electronic equipment becomes obsolete within a matter of years; even months in some instances. Thousands of tons of antiquated electronic equipment and their hazardous components are disposed in landfills across the State every year. This bill would encourage the reuse and recycling of electronic equipment by creating a program within the DEC which would provide guidance and expertise to municipalities and businesses, develop public education programs, and provide for annual reporting to the Legislature. The bill would also ban the disposal of cathode ray tubes in mixed solid waste. Cathode ray tubes, which contain an average of five to eight pounds of lead, are found in computer monitors, television sets and other electronic equipment. Finally, the bill would require the DEC to publish a list of electronic equipment which contains hazardous materials. This bill passed the Assembly, but died in the Senate. A.1454 (Colton)

Standardizing the Recycling, Reuse and Remanufacturing of Electronic Equipment. Discarded electronic equipment now makes up the fastest growing sector of New York's waste stream. Such antiquated electronic equipment often consist of a variety of mechanical and electrical components, many of which contain environmentally hazardous substances such as mercury, lead, cadmium, and PCBs. This bill recognizes the need to keep these dangerous substances out of landfills and would provide for the standardization of the emerging electronic equipment recycling and remanufacturing industry. Specifically, the bill would require the DEC to develop rules and regulations establishing standards for the recycling, reuse and remanufacturing of electronic equipment by persons or entities operating sites designed for such activities. A.1455 (Colton)

Enhancing Statewide Recycling Efforts. This bill would enhance statewide recycling efforts and encourage compliance by private citizens by clarifying the obligations of waste haulers regarding the handling of recyclable materials and specifying the materials which are to be separated for recycling. Specifically, the bill would prohibit private and municipal waste haulers from delivering recyclable materials to landfills, incinerators or transfer stations. The bill would also prohibit the acceptance of recyclable materials for disposal by operators of incinerators or landfills. In addition, the commingling of recyclable materials with other solid waste would be prohibited. Finally, the bill would specify which materials must, at a minimum, be separated for recycling pursuant to a local recycling law. This bill passed the Assembly, but died in the Senate. A.4793 Rules (Colton)

Enhancing Solid Waste Management. This bill would require an applicant for a permit to construct a solid waste management facility to demonstrate that the facility would be consistent with the objectives of the local solid waste management plan of the planning unit in which the proposed facility would be sited, as well as the plans of the planning units from which the solid waste would be received. In addition, this bill would change the definition of solid waste management facility to include recyclable waste handling and recovery facilities. This bill passed the Assembly, but died in the Senate. A.2830 (DiNapoli)

PETROLEUM SPILL MANAGEMENT

Petroleum Discharge Compliance and Education. This new law requires the DEC to establish a compliance and education program regarding the discharge of petroleum and other hazardous substances into sewage systems. The law requires DEC to compile and publish information on the dangers and hazards relating to the discharge of petroleum and other hazardous substances into sewage systems. Such information will place an emphasis on such wastes produced by households and serve to educate the public on the proper methods of disposal. The information is to be widely disseminated to the general public and posted on the Department's internet website. The law also requires an enforcement initiative to act as a further deterrent to the illegal disposal of used oil and other hazardous substances in sewage systems. Chapter 736 of the Laws of 2006; A.1979-B (Clark)

Used Oil Filter Recycling and Management. This bill would prohibit the disposal of used oil filters in a landfill and require that every service establishment or other on-premises oil-changing operation maintain facilities for the collection of source-separated, used oil filters. Current laws and regulations governing the prohibited disposal of used oil and establishing requirements for its safe management are not adequate to protect the environment from the estimated 700,000 gallons of waste oil which remains in the eighteen million used oil filters generated in the State each year. Landfill disposal of this product should, therefore, be prohibited as a pollution prevention measure. By doing so, the recyclable, recoverable commodities (waste oil and steel) can be prevented from contributing to the problems which result from landfilling them. This bill passed the Assembly but died in the Senate. A.2881-A (Pretlow)

Neighbor Notification of Petroleum Discharge. This bill would require the DEC, upon notification of a petroleum spill, to provide immediate notification to adjacent and/or nearby landowners or tenants whose property or drinking water supply might be affected by the discharged material. This legislation was prompted by an incident where several landowners became sick after their drinking water was contaminated by gasoline leaking from a nearby underground storage tank. Many months went by before affected parties were notified of the leak. This bill passed the Assembly, but died in the Senate. A.5387 (Englebright)

Detecting Accidental Discharges. Current law requires "early" detection of discharges. "Early", however, may not be soon enough. Accidental discharges may occur in a short period of time, and may cause great damage to delicate ecosystems. This bill seeks to prevent such damage and ensure that spills are cleaned up quickly by requiring that major facilities, which store at least 400,000 gallons of petroleum, install devices to detect accidental discharges within twenty-four hours or sooner. This bill passed the Assembly, but died in the Senate. A.904 (Lentol)

WATER CONSERVATION AND QUALITY

New York State has vast water resources, including the Great Lakes, the Finger Lakes, the lakes of the Adirondacks, and the Hudson, Mohawk, and Allegheny Rivers as well as major underground aquifers located on Long Island.

Over seven million people living in New York City and upstate depend on the City's reservoir system. The City's water supply comes from two reservoir systems: the Croton reservoir system located in Westchester, Dutchess, and Putnam Counties, and the Catskill/Delaware reservoir system located in Ulster, Greene, Schoharie, Delaware, and Sullivan Counties. The quality of the City's drinking water is precarious because droughts are frequent, the infrastructure of the delivery system is aging, and pollution threatens many of the City's drinking water supplies.

Every effort should be made to maintain the purity of surface waters for recreational and other public uses. The protection and preservation of water quality is essential to the environment, economy, and health of New Yorkers.

New York Ocean and Great Lakes Ecosystem Conservation Act. New York's coastal and ocean resources are critical to the State's environmental and economic security, and integral to the State's high quality of life. This new law provides for the conservation of the resources of New York's ocean and Great Lakes coastal ecosystems by instituting policy and principles to guide governance of those resources and establishing a New York Ocean and Great Lakes Ecosystem Conservation Council to integrate and coordinate the State's programs, institutions and activities which affect the protection, conservation and restoration of those resources. New York State is the second largest coastal state in the nation, with more than 3,200 miles of ocean, tidal and Great Lakes coastline. Approximately 80 percent of New Yorkers live in the State's 26 coastal counties. This law represents a critical step in achieving healthy, diverse, productive and

resilient ocean and Great Lakes resources. Chapter 432 of the Laws of 2006; A.10584-B (DiNapoli)

Enhancing Access to Information Regarding Dam Conditions. This new law requires DEC to provide copies of dam safety inspection reports to the chief executive officers of municipalities where intermediate or high hazard dams are located. Recent dam failures and deficiencies have revealed less than adequate public safety preparedness, disaster planning, and coordination within New York State. Requiring DEC dam inspection reports, including those for New York City watershed dams, to be provided to local officials will broaden knowledge as to the integrity of the dams and give local officials the necessary assurances that such dams are safe. Chapter 17 of the Laws of 2006; A.9517-A (Gunther)

Protecting the State's Freshwater Wetlands. This bill would provide the DEC with regulatory authority over freshwater wetlands of one acre or more in size and other wetlands of significant local importance. The United States Supreme Court recently ruled that the federal government has no jurisdiction over isolated wetlands. With the Supreme Court ruling, estimates from the EPA and The Army Corps of Engineers show at least 20 percent and possibly 50 percent of existing wetlands, constituting millions of acres nationwide, will be left unprotected. In New York State, estimates are even higher, with potentially as much as 80 percent of the wetlands currently being unregulated and unprotected. While all of New York's neighboring states already have the regulatory authority to step in and regulate the wetlands that the Corps of Engineers formerly oversaw, New York's DEC is currently limited to regulating mapped wetlands of a size greater than 12.4 acres. This bill would expand DEC's regulatory authority to wetlands over one acre in size and remove the existing requirement that lands or waters be included on the freshwater wetlands map in order to be considered wetlands. This bill passed the Assembly, but died in the Senate. A.2048 (DiNapoli)

Great Lakes-St. Lawrence River Basin Water Resources Compact. This bill would ratify New York's participation in the Great Lakes-St. Lawrence River Basin Water Resources Compact (Compact), a multi-state agreement on the management of the Great Lakes that creates a system for cooperatively managing water withdrawals and use of water from the Basin. The Great Lakes Basin covers approximately 95,000 square miles and is composed of five of the largest freshwater lakes in the world. The Great Lakes and their bays and tributaries contain 20% of the world's supply of freshwater and 95% of the North American supply of surface freshwater. The Compact would give the eight Great Lakes States the ability to manage cooperatively this truly unique resource. Once ratified by all participating states – Minnesota, Wisconsin, Illinois, Michigan, Indiana, Ohio, Pennsylvania, and New York – the Compact would give New York the ability to jointly manage water withdrawals within the basin. This bill passed the Assembly, but died in the Senate. A.11968 (Rules – DiNapoli)

Protecting Residents with Private Wells. Over one million residents of New York State get their drinking water from private wells. While laws require municipal water suppliers to test their water periodically, and to send residents an annual report on the quality of that water, there are no similar protections for private wells. This leaves people using private wells around the State unprotected, and often unaware that there may be problems with their drinking water. This bill would establish a private well testing program in New York State, requiring testing of private

drinking water wells at time of transfer of property for bacteria (total coliform), nitrates, iron, manganese, pH, and all VOCs for which a maximum contaminant level has been established pursuant to public health regulations. This bill passed the Assembly, but died in the Senate. [A.6459-A \(DiNapoli\)](#)

Encouraging Non-point Source Pollution Control Projects. This bill would establish a linked deposit program which would allow the New York Environmental Facilities Corporation (EFC) to deposit moneys from the water pollution control fund with lending institutions for the purpose of reducing borrowing costs for eligible non-point source pollution projects. This program would be made available to farmers implementing a management program under section 319 of the Federal Water Pollution Control Act related to agricultural operations, as well as residents and small businesses upgrading or replacing on-site wastewater treatment (septic) systems with new Department of Health approved systems or abandoning their septic system and connecting to a sewer system. Up to \$10 million annually would be made available from the State Water Pollution Control Revolving Fund for the program. This bill passed the Assembly, but died in the Senate. [A.6985 \(Magee\)](#)

Enhancing Dam Safety. On February 6, 2006, a dam safety hearing was held at the Schenectady County Community College, near the Gilboa Dam. This hearing followed a recent dam failure in Washington County and extensive flooding in areas around the State, particularly in the Catskills, where several of New York City's water supply dams are located. The hearing examined various dam safety concerns including regulatory oversight of dams in New York State. A number of legislative proposals were advanced as a result of the findings of this hearing. The following three bills passed the Assembly, but died in the Senate:

- Enhance the State's dam safety program and clarify obligations of dam owners – [A.11586 \(Gunther\)](#);
- Mandate the periodic inspection of intermediate and high hazard dams – [A.9515-B \(Gunther\)](#); and
- Require the owners of intermediate and high hazard dams to report to DEC regarding maintenance and operation – [A.9516-A \(Gunther\)](#).

Encouraging Watershed Protection. Over the last ten years, the State has participated in numerous watershed or regional basin-wide planning approaches to water quality issues with significant local government and public participation. This bill would encourage municipalities to commence similar projects by authorizing the Environmental Facilities Corporation (EFC) to provide loans at a zero percent rate of interest from the Clean Water State Revolving Loan Fund (CWSRF) for the purpose of acquiring interests in land as part of a watershed management plan. This bill passed the Assembly, but died in the Senate. [A.2819 \(DiNapoli\)](#)

Establishing a State Ballast Water Management Plan. The introduction of aquatic nuisance species into U.S. waters through the discharge of ballast water from vessels has become a significant environmental threat to the United States. It is estimated that more than 4,500 self-sustaining aquatic nuisance species populations now exist nationwide. This bill would limit the introduction of aquatic nuisance species into New York State waters by prohibiting the discharge of ballast water into the waters of the State unless the vessel has conducted an open sea exchange

of ballast water or the vessel has treated its ballast water in accordance with standards to be set by the DEC. The bill would also establish ballast water reporting and sampling requirements. This bill passed the Assembly, but died in the Senate. A.929 (Tokasz)

Protecting the State's Water Bodies From the Spread of Exotic Aquatic Species. Many of New York's water bodies have become infested with harmful invasive exotic aquatic species such as Zebra Mussels, Eurasian Water milfoil and Water Chestnut. These exotics can disrupt aquatic ecosystems and degrade recreational opportunities. This bill would control the spread of such species to water bodies which are not contaminated by requiring public and commercial docks, piers, wharfs and boat launch areas on water bodies infested with harmful invasive aquatic species to be posted with clear, conspicuous signs warning boaters of their presence and to take appropriate precautions to avoid transporting such species to other water bodies. Similar signs would be required at water bodies found to be free of exotic species warning boaters to take care not to transport such species into the water body. This bill passed the Assembly, but died in the Senate. A.2829 (DiNapoli)

FOREST AND LAND RESOURCES

New York has a long and proud tradition of conserving and managing forest and land resources for the benefit of both current and future residents. The creation of the Adirondack and Catskill Forest Preserves in the late nineteenth century and the "Forever Wild" protection of these lands under Article XIV of the Constitution represent landmark achievements in the conservation of public lands. In recent years, funding from the EPF and the 1996 Clean Water/Clean Air Bond Act has enabled the State to protect hundreds of thousands of acres of open space throughout the State.

Despite this success, pressure to develop New York's forestland and open space will continue as populations increase and as suburbs move further away from metropolitan areas. The Committee worked extensively to protect these remaining natural areas and ensure the sustainable management of the State's forest resources.

Peconic Bay Region Watershed Protection Act. This new law will help to protect the lands and waters of the Peconic Bay, consisting of the towns of East Hampton, Riverhead, Shelter Island, Southampton, and Southold in the county of Suffolk, by empowering local communities to adopt a comprehensive management plan. Peconic Bay is one of New York's natural jewels, recognized for its natural beauty and ecological diversity. It is also an important driver for the region's economy, serving as a center for the tourism and second homes. Peconic Bay is also a nationally significant region having been designated for special status under the National Estuary Program. The towns in the Peconic Bay region are currently engaged in comprehensive efforts to protect lands that are within the surface watershed and ground watershed of the Peconic Bay region. Such planning initiatives are a critical part of the overall policy to protect the resources of the Peconic Bay region. It is the purpose of this act to encourage and support such local planning initiatives by the towns in the Peconic Bay region. Chapter 289 of the Laws of 2006; A.7893-D (DiNapoli)

Expanding the Hudson River Valley Greenway. This new law adds the portions of Ulster County located inside the Catskill Park to the definition of Hudson River Valley Greenway. The Hudson River Valley Greenway was created by State law in 1991 to promote voluntary regional cooperation in thirteen counties bordering the Hudson River from Waterford in Saratoga County to Battery Park in Manhattan. The Greenway supports local and regional planning efforts that address natural and cultural resource protection; economic development, including tourism, agriculture, and redevelopment of urban areas and commercial waterfronts; public access; and, heritage and environmental education. Chapter 271 of the Laws of 2006; A.11338 (Cahill)

Enhancing Funding for Outdoor Recreation. The development, maintenance and accessibility of New York State's outdoor recreational opportunities and extensive trail system enhance the value and richness of our natural resources. This new law augments funding for outdoor recreation, trail maintenance, and public access to outdoor recreation and trails by requiring DEC to establish the means or method for the creation of voluntary outdoor recreation and trail maintenance pins and patches. The proceeds of the sales of such pins and patches will be deposited in a new dedicated Outdoor Recreation and Trail Maintenance Account within the Conservation Fund. Chapter 605 of the Laws of 2006; A.10342 (Aubertine)

Historic Saratoga-Washington on the Hudson Partnership. The communities along the Hudson River in the counties of Washington and Saratoga possess unique historic and natural significance. This new law creates the Historic Saratoga-Washington on the Hudson Partnership to address matters such as collaborative agriculture and open space protection, tourism development and revitalization of main streets, recreational development, and protection of natural and cultural heritage. The law creates a reserve along the Hudson River, which includes the contiguous area in Saratoga and Washington counties within the towns of Saratoga, Stillwater, Northumberland, Easton, Fort Edward, Waterford, Halfmoon and Greenwich and the city of Mechanicville. The Historic Saratoga-Washington on the Hudson Partnership is a framework building and expanding on existing public and private initiatives to fully realize the areas historic, natural and scenic, recreational and economic potential for the people of the region and the State as a whole. Chapter 737 of the Laws of 2006; A.11839-B (Rules – Englebright)

Enhancing the State's Holdings within the Long Island Pine Barrens. This new law authorizes the Commissioner of DEC to alienate and discontinue the use as reserved lands within the Long Island Pine Barrens maritime reserve 3.06 acres of land located within the Town of Brookhaven, Suffolk County, and convey such land to the Longwood Central School District. The Longwood Central School District is required to convey to 7.77 acres of land, as replacement land, to the State. The School District received easement rights to these lands during the 1960s, but improperly made certain improvements during the 1990s. This law codifies a settlement that the DEC has proposed, which will provide a net gain for the Pine Barrens. The State gains wooded land and the property will join with a nature preserve and trail adjacent on the north side. Chapter 384 of the Laws of 2006; A.11998 (Alessi)

Protecting Forested Areas within the Adirondacks. This bill would amend section one of Article XIV of the State Constitution in order to allow National Grid to construct a 46kV power line along County Route 56 in St. Lawrence County on forest preserve lands. The proposed

constitutional amendment would authorize the transfer of approximately six acres of forest preserve lands to National Grid in exchange for ten acres to be added to the forest preserve elsewhere in St. Lawrence County. If the constitution is not amended in order to allow this transfer of lands National Grid has already received approval for an alternative plan that would allow them to construct their power line in a manner that is far more disturbing to the Adirondack ecosystem. This alternative plan would cut a 70-foot wide swath through six miles of forested lands that contain numerous sensitive and locally significant areas. While the alternative plan would not cut through forest preserve lands, it would be more disruptive to forested areas. This bill passed the Assembly and Senate. This proposed amendment must be passed by the next successive Legislature and be adopted by the citizens of the State. Delivered to the Secretary of State; A.11614 (DiNapoli)

Protecting State-owned Natural Resources. Since its inception in 1995, the adopt-a-natural resource program, which allows volunteers to preserve and maintain state-owned resources under an agreement with DEC, has facilitated the completion of numerous beneficial stewardship projects. Recently, however, instances have emerged where volunteers performed work which was incompatible with the protection of the natural resource. This bill would eliminate the possibility of environmental damage by prohibiting stewardship agreements that authorize the destruction or alteration of natural resources in a manner inconsistent with State law. The bill would also prevent the use of heavy construction equipment to construct, refurbish or build projects pursuant to a stewardship agreement and require the DEC to provide public notice of proposed stewardship agreements in the State Environmental Notice Bulletin. This bill passed the Assembly, but died in the Senate. A.556 (Englebright)

Requiring Concurrent Reclamation of Mined Land. This bill would require holders of mining permits issued by the DEC to reclaim lands concurrently with mining activities. A permit holder would be required to submit a detailed reclamation report as part of a permit renewal, indicating the specifics of progressive reclamation, interim reclamation or phased reclamation performed during the permit term. According to DEC, experience has shown that the majority of reclamation has been conducted only upon termination of mining. By mandating concurrent reclamation, the major objectives of the Mined Land Reclamation Law would be met. Also, public perception of the State's regulatory oversight program would be much improved when reclamation occurs on an annual basis for each mine and results can be seen. This bill passed the Assembly, but died in the Senate. A.8364-A (Latimer)

Providing Enhanced Public Notice and Disclosure of County Land Acquisitions. This bill would require counties acquiring open space using revenues from a tax authorized by the State or with the assistance of State funding to produce a finding to be filed with the county clerk. Such finding would address the suitability for preservation of the land or easement acquired, the manner and fairness of the land acquisition process, and the adherence to applicable county laws and procedures regarding land acquisition. The bill would also require counties to make available for public inspection a file with all records and information relating to the acquisition transaction and notification of each acquisition transaction in the newspaper of record for the county. This bill passed the Assembly, but died in the Senate. A.2192 (Englebright)

OVERSIGHT AND PUBLIC HEARINGS

In 2006, the Committee continued its oversight functions by holding hearings on dam safety issues and green procurement. In addition, the Committee will hold hearings in January 2007 to investigate environmental and shoreline protection issues affecting Sheepshead Bay, as well as to examine impacts of the 2006-2007 State Budget on the programs of the Department of Environmental Conservation.

Dam Safety in New York. On February 6, 2006, the Committee joined with the Assembly Standing Committee on Governmental Operations to hold a Dam Safety hearing at Schenectady County Community College, near the Gilboa Dam. This hearing followed a recent dam failure in Washington County and extensive flooding in areas around the State, particularly in the Catskills, location of several of New York City's water supply dams. The hearing examined various dam safety concerns including regulatory oversight of dams in New York State. The legislative proposals resulting from this hearing include A.9517, which requires DEC to provide copies of dam safety inspection reports to the Chief Executive Officers (CEO) of municipalities where intermediate or high hazard dams are located. This bill was signed into law (Chapter 17 of the Laws of 2006). Additional legislative proposals resulting from this hearing include: A.11586, a comprehensive bill directed at enhancing the existing dam safety program in NYS; A.9515-B, which requires DEC to undertake a review and analysis of the structural integrity of high hazard and intermediate hazard dams; and A.9516-A, which requires DEC to annually review dam maintenance plans and operations. These bills passed the Assembly, but had no Senate Sponsor.

Green Procurement. The Assembly Environmental Conservation and Governmental Operations Committees held a joint public hearing in May 2006 to examine the benefits and costs of adopting state policies that favor buying green products. Testimony was presented by government officials and environmental health and procurement experts. The testimony submitted was overwhelmingly positive in support of the State's purchase of green products. Testimony documented that many green products perform just as well as conventional products and are comparable in price. In fact, a large number, including green cleaners, paint, remanufactured toner cartridges and many recycled building and construction products are less expensive.

OUTLOOK AND GOALS FOR 2007

The Committee looks forward to the 2007 Legislative Session. The Committee hopes to work in cooperation with the incoming administration to continue the State's history of environmental advocacy and achievement by working to enact sound, workable environmental policies. The Committee will focus its attention on a wide variety of issues, including reducing air and water pollution, protecting the public from environmental hazards, and addressing solid waste issues.

The Committee will continue to protect and enhance funding for environmental projects by seeking to increase revenue to the State Environmental Protection Fund (EPF) further. The Committee will explore various options to accomplish this goal, including expansion of the returnable container act (commonly referred to as the bottle bill) to include non-carbonated beverages, and provide for the recapture of unclaimed deposits by the State to be deposited in the EPF.

Air pollution continues to be a problem in New York, and the Committee will consider legislation to reduce toxic pollutants such as nitrogen oxides (NO_x), sulfur dioxide (SO₂), mercury, particulate matter (PM) and carbon dioxide (CO₂). The Committee is very concerned with the effects of poor air quality on children. The Committee is dedicated to addressing these issues in the upcoming session and will continue to explore options for reducing diesel emissions and greenhouse gas emissions.

The Committee will continue to work toward its goal of developing a progressive approach to water quality issues. The Committee will also consider legislation to protect wetlands, address sewer overflow issues, reduce the potential for surface and groundwater contamination from septic systems and ensure safe drinking water for homeowners who utilize private wells.

The Committee will also consider numerous measures to deal with the State's solid waste issues and to reduce exposure to harmful substances. The Committee will continue to work to protect the public from the health impacts of vapor intrusion, and will focus significant attention to addressing environmental justice issues.

Finally, the Committee will continue to work to protect the State's natural resources and the long-term health and abundance of New York's fish and wildlife populations. Legislation will be considered which would ensure that smart growth principles are implemented by state agencies in order to mitigate adverse impacts of sprawl and development on open spaces and sensitive areas. In addition, the Committee will continue to consider legislation to manage and protect the State's wildlife and marine fisheries resources effectively.

APPENDIX A

2006 SUMMARY SHEET

Summary of Action on All Bills Referred to the Committee on
ENVIRONMENTAL CONSERVATION

<u>Final Action</u>	<u>Assembly Bills</u>	<u>Senate Bills</u>	<u>Total</u>
<u>Bills Reported With or Without Amendment</u>			
To Floor; Not Returning to Committee	18		18
To Floor; Recommitted and Died	0		0
To Ways & Means	29		29
To Codes	48		48
To Rules	15		15
To Judiciary			
Total	110		110
<u>Bills Having Committee Reference Changed</u>			
To Codes	1		1
To Economic Development	1		1
Total	2		2
<u>Senate Bills Substituted or Recalled</u>			
Substituted		2	2
Recalled		2	2
Total		4	4
<u>Bills Defeated in Committee</u>			
<u>Bills Never Reported, Held or Died in Committee</u>	236	21	257
<u>Bills Having Enacting Clause Stricken</u>	3		3
<u>Motion to Discharge Lost</u>			
TOTAL BILLS IN COMMITTEE	351	25	376
TOTAL NUMBER OF COMMITTEE MEETINGS HELD		7	

APPENDIX B

ENVIRONMENTAL CONSERVATION BILLS THAT PASSED BOTH HOUSES AS OF DECEMBER 2006

Assembly Bill	Sponsor	Title	Final Action
A.1979-B	Clark	Directs the department of environmental conservation to develop a compliance program regarding the discharge of petroleum and other hazardous substances into sewage	Chapter 736
A.3390-A	Colton	Requires retailers of wireless telephones to accept such telephones for recycling or reuse	Chapter 730
A.5808-C	Morelle	Establishes a fishing promotion program to promote fishing within New York state	Chapter 576
A.5972-B	Rabbitt	Authorizes the Greenwood Lake Commission to charge fees for the usage of boats and docks	Chapter 577
A.7633-B	Eddington	Relates to the regulation of vehicle dismantlers	Chapter 180
A.7711	Aubertine	Eliminates the requirement of obtaining a permit from a conservation officer to hunt coyotes with dogs and firearms in the Northern Zone during coyote season	Chapter 309
A.7893-D	DiNapoli	Enacts the "Peconic Bay region watershed protection act"	Chapter 289
A.9044-A	Rules (Millman)	Relates to permitting state assistance payments to community boards for brownfield opportunity areas	Veto Memo 335
A.9210-B	Zebrowski	Allows certain flow-through pools	Chapter 595
A.9517-A	Gunther	Relates to certain inspection reports of dam safety	Chapter 17
A.10113-A	DelMonte	Increase penalties for the illegal taking of deer	Veto Memo 263
A.10120-C	Lupardo	Relates to regulating landlord notification of contaminants to tenants	Veto Memo 342

Assembly Bill	Sponsor	Title	Final Action
A.10342	Aubertine	Directs department of environmental conservation to establish outdoor recreation and trail maintenance pins and patches to be sold with hunting and fishing license	Chapter 605
A.10584-B	DiNapoli	Establishes the New York ocean and Great Lakes ecosystem conservation act	Chapter 432
A.10600	Aubertine	Provides that only an environmental conservation officer, forest ranger, or member of the state police may kill a dog that is pursuing or killing a deer	Chapter 610
A.10621-A	Colton	Requires the use of mercury-added components in motor vehicles to be eliminated over a four year period	Chapter 611
A.10633-A	Lifton	Requires notification of the results of certain tests to the owners and occupants of real property	Chapter 707
A.10680-A	O'Mara	Authorizes the conveyance of certain real property of the state to the county of Schuyler in exchange for certain real property to be used for reforestation purposes	Chapter 613
A.10737	Brodsky	Provides for the phase-out of the use of creosote as a wood preservative, prohibits its combustion, and regulates its disposal	Veto Memo 415
A.10757-B	Lupardo	Provides that the department of environmental conservation shall notify the municipality and the general public of spills of liquids stored in bulk	Chapter 616
A.10849	DiNapoli	Authorizes the use of a pot hauler to retrieve clam rakes when taking hard clams by means of a vessel	Chapter 255
A.11305	O'Donnell	Relates to sweepstakes with respect to subscriptions to "The Conservationist"	Chapter 269
A.11338	Cahill	Adds area of Ulster county within the Catskill park to the Hudson river valley greenway	Chapter 271

Assembly Bill	Sponsor	Title	Final Action
A.11340	Grannis	Relates to the use of ultra low sulfur fuel and best available technology in state owned heavy duty diesel vehicles or heavy duty diesel vehicles under contract with the state	Chapter 629
A.11457	DiNapoli	Relates to special permits and certification for commercial application of aquatic antifouling paints	Chapter 274
A.11479-A	DiNapoli	Requires environmental notice bulletins to include the location of certain persons as described by zip code, GPS coordinates and street address	Veto Memo 290
A.11523	Sweeney	Establishes a seagrass research, monitoring and restoration task force	Chapter 404
A.11614	DiNapoli	Authorizes the state to convey to the National Grid certain forest preserve lands to construct a power line in St. Lawrence county	Delivered to Secretary of State
A.11697	Rules (Peoples)	Relates to the special powers of the New York state environmental facilities corporation	Chapter 533
A.11713	Rules (DelMonte)	Prohibits the siting of a disposal facility in a location with potential to discharge into the Great Lakes system	Veto Memo 355
A.11790	Rules	Relates to certain special groundwater protection areas	Chapter 502
A.11803	Rules (DiNapoli)	Regulates the taking of certain shellfish, including hard clams, soft clams, oysters and razor clams	Chapter 394
A.11839-B	Rules (Englebright)	Establishes Historic Saratoga-Washington on the Hudson Partnership	Chapter 737
A.11998	Rules (Alessi)	Authorizes the commissioner of environmental conservation to discontinue the use of land as reserved lands within the Long Island Pine Barrens maritime reserve	Chapter 384

APPENDIX C

ENVIRONMENTAL CONSERVATION BILLS THAT PASSED THE ASSEMBLY ONLY

Assembly Bill	Sponsor	Title
A.114	Bradley	Allows a person to institute an action for violation of a the provisions of the environmental quality review even if the injury does not affect the public at large
A.293	Grannis	Increases freshwater wetland penalties
A.300	Tonko	Requires public hearing on certain projects affecting primary water supply aquifer areas to be held by the department of environmental conservation or lead agency
A.421	Paulin	Directs the department of environmental conservation to update any forms or documentation prepared by such department
A.556	Englebright	Prohibits stewardship agreements for the preservation of a natural resource form authorizing the destruction or certain alternations of the natural resource
A.901	Lentol	Relates to the issuance of solid waste facility operating permits
A.903-A	Lentol	Relates to the submission of community impact statements
A.904	Lentol	Requires operators of major facilities to implement plans and to install equipment for prompt detection of petroleum discharges
A.929	Tokasz	Provides for the management of ballast water from shipping vessels in an effort to prevent introduction of nonindigenous species
A.1334	Dinowitz	Grants the director of a municipal consumer affairs office the power to enforce the redemption of beverage containers at redemption centers
A.1422	Dinowitz	Makes various provisions regarding uniform procedures
A.1454-A	Colton	Enacts the “electronic equipment recycling act”
A.1802-B	Brodsky	Provides for the phase-out of state use of pesticides on state property and for state agency pest management plans
A.1808	Brodsky	Makes provisions regarding the siting of environmental faculties in minority communities or economically distressed areas

Assembly Bill	Sponsor	Title
A.1810	Brodsky	Re-establishes the state superfund management board as the state remedial program oversight board; repealer
A.1811	Brodsky	Prohibits the taking of striped bass from the Hudson river for commercial purposes
A.1814-C	DelMonte	Prohibits the purchase or sale of certain fish taken pursuant to fishing licenses, except fish from the St. Lawrence River, and bullhead in certain counties
A.1821	Glick	Excludes certain animals from the definition of "wildlife"
A.1833	Grannis	Imposes penalty upon agency failing to complete a remediation plan
A.1835	Grannis	Relates to limiting, restricting or prohibiting trapping
A.1840	Grannis	Relates to state policy regarding the preservation of the unique qualities of the nighttime sky
A.1884	Brodsky	Directs the commissioners of environmental conservation and health to produce an environmental facility and cancer incidence map
A.2048	DiNapoli	Relates to the definition of freshwater wetlands; repealer
A.2066	Lentol	Requires comprehensive accident prevention planning for the prevention of petroleum spills and leaks, and auditing thereof, in certain cities
A.2192	Englebright	Provides for accountability and disclosure of county, town or village acquisition of land for open space, environmental and/or historic preservation purposes
A.2517-D	DiNapoli	Relates to returnable beverage containers; repealer
A.2546	Cook	Relates to posting of advisories for particular bodies of water
A.2819	DiNapoli	Authorizes the environmental faculties corporation to provide loans at zero percent interest to municipalities from the water pollution control revolving fund
A.2830	DiNapoli	Relates to solid waste management facilities
A.2881-A	Pretlow	Requires that used oil filters be source-separated and recycled
A.2882-A	Morelle	Directs the department of environmental conservation to establish a small quantity generator education and compliance program
A.3073	Koon	Prohibits open burning of solid waste

Assembly Bill	Sponsor	Title
A.3336-B	Colton	Requires motor vehicle manufacturers to establish programs for the collection and recycling of mercury-added components from their vehicles
A.3574	DiNapoli	Establishes the “state smart growth public infrastructure policy act”
A.3909	Peralta	Requires solid waste management plans for N.Y. city to include adequate trash receptacles in commercial zones and public recreational areas
A.3949	Lifton	Relates to the electronic filing of wetland regulatory maps
A.3958	Pretlow	Requires department of environmental conservation to establish guidelines for disqualification of stand-by contractors
A.4190	Diaz	Creates a permanent environmental justice advisory group
A.4793	Colton	Provides for source separation and disposal of recyclable materials and requires municipalities to adopt local laws providing therefor
A.5328	Ramos	Includes certain conditions in operating permits issued to sources subject to the federal Clean Air Act
A.5387	Englebright	Requires landowners to be notified of a petroleum discharge
A.5884	Boyland	Provides that fairs, shopping centers and amusement parks shall provide recycling containers and participate in available recycling programs
A.5982	Diaz	Identifies the criteria the commissioner of environmental conservation should consider in publishing a list of high local environmental impact zones
A.6110	Galef	Requires operators of nuclear power plants to give notice of scheduled and unscheduled releases of radioactive materials and of breakdowns or malfunctions
A.6402-C	Colton	Provides a reporting mechanism for the waste tire management and recycling fee for tires purchases made outside the state by remote means
A.6448-A	Wright	Creates a state urban pesticide board to study and report on the application of pesticides in urban areas; requires alternative pesticide training
A.6459-A	DiNapoli	Enacts the "private well testing act"

Assembly Bill	Sponsor	Title
A.6484	Grannis	Relates to standards for mercury emissions reduction
A.6862	DiNapoli	Authorizes the department of environmental conservation to adopt regulations prohibiting the taking of fish or wildlife when there is a toxic substance present
A.6893	Sweeney	Prohibits the use of trawls with attached weights, commonly known as rollers or cookies
A.6985	Magee	Establishes a linked deposit program where the New York state environmental facilities corporation invests moneys from the water pollution control fund
A.7083	Lupardo	Relates to the sale of state owned land
A.7279-D	DiNapoli	Provides reimbursement to fire companies for costs associated with responding to spills of hazardous materials
A.7404	Grannis	Enacts the healthy, safe and energy efficient outdoor lighting act to reduce harmful outdoor lighting
A.7444-A	Latimer	Requires commercial pesticide applicators to provide notice to residents of multiple family dwellings prior to application on such premises
A.7461-B	Cusick	Relates to requiring notice to neighboring landowners of intention to develop in wetland areas
A.8028	DiNapoli	Establishes the farm pesticide collection program for the collection and disposal of pesticides from farms within the state
A.8331-C	Gunther	Creates the Upper Delaware River Greenway
A.8364	Latimer	Relates to mined land reclamation
A.8835	Rules (Gunther)	Creates a task force to examine the potential causes of flooding in downstream areas of reservoirs
A.9283-A	DiNapoli	Allows for additional deposits to be made to the environmental protection fund
A.9515-B	Gunther	Requires the department of environmental conservation to undertake a review and analysis of the structural integrity of high hazard and intermediate hazard dams
A.9516-A	Gunther	Requires the department of environmental conservation to review dam maintenance plans and operations annually
A.9574	Aubry	Provides that the commissioner of environmental conservation shall place and operate certain air quality monitoring systems in proximity to N.Y. city airports

Assembly Bill	Sponsor	Title
A.10164-A	Englebright	Authorizes the taking of surf clams or ocean quahogs by mechanical means from the Atlantic Ocean for commercial purposes
A.10728	Galef	Provides for the appointment of a board of directors of the Putnam county soil and water conservation district
A.11278-A	Zebrowski	Requires the department of environmental conservation, upon request of the locality, to hold a public hearing on the issuance or renewal of any mining permit
A.11279-A	Zebrowski	Requires plans for the issuance or renewal of mining permits to be submitted to the local planning board for review in advance of such issuance or renewal
A.11348	Rivera, N.	Provides for limitation on new or renewal permits for solid waste management facilities located in an area not zoned for such facilities
A.11586	Gunther	Relates to dam safety in New York state
A.11587	Gunther	Directs the review of the west of Hudson River New York city drinking water supply system program
A.11968	Rules (DiNapoli)	Enacts the Great Lakes-St. Lawrence river basin water resources compact