

2017

ANNUAL REPORT



New York State Assembly

Carl E. Heastie

Speaker

Committee on

Environmental Conservation

Steve Englebright

Chairman



STEVEN ENGLEBRIGHT
4th Assembly District
Suffolk County

THE ASSEMBLY
STATE OF NEW YORK
ALBANY

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Committee on Environmental Conservation

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Higher Education
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Science and Technology
Water Resource Needs of Long Island

MEMBER
Bi-State L.I. Sound Marine Resource Committee
N.Y.S. Heritage Area Advisory Council

December 15, 2017

Honorable Carl E. Heastie
Speaker of the Assembly
Legislative Office Building, Room 932
Albany, NY 12248

Dear Speaker Heastie:

I am pleased to submit to you the 2017 Annual Report of the Assembly Standing Committee on Environmental Conservation.

This report describes the legislative actions and major issues considered by the Committee and sets forth our goals for future legislative sessions. The Committee addressed several important issues this year including record funding for drinking water and wastewater infrastructure, increased drinking water testing and remediation requirements and legislation to address climate change. In addition, the Committee held hearings to examine water quality and the State's clean energy standard.

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 environmental resources during the 2018 legislative session.

Sincerely,

A handwritten signature in black ink that reads "Steve Englebright". The signature is written in a cursive style with a large, prominent "S" and "E".

Steve Englebright, Chairman
Assembly Standing Committee on
Environmental Conservation

2017 ANNUAL REPORT

OF THE NEW YORK STATE ASSEMBLY

STANDING COMMITTEE ON ENVIRONMENTAL CONSERVATION

Steve Englebright, Chairman

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COMMITTEE RESPONSIBILITIES

The Assembly Standing Committee on Environmental Conservation has jurisdiction over legislation affecting State environmental policy. The Committee considers bills amending the Environmental Conservation Law (ECL), 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 DEC. During the 2017 Legislative Session, the Committee considered 412 bills, acting favorably on 98, with 41 becoming law.

MAJOR ISSUES OF 2017

A. BUDGET HIGHLIGHTS

The State Fiscal Year (SFY) 2017-18 Enacted Budget included over \$3.4 billion in funding for environmental programs as well as monies for drinking water and wastewater infrastructure and recycling programs. Additional details about the Enacted Budget follow.

Increased Funding for Drinking Water and Wastewater Infrastructure **(2017-18 State Budget)**

According to the Department of Environmental Conservation (DEC) "...there are over six hundred wastewater treatment facilities that serve 1,610 municipalities. The facilities range in size from New York City's vast system that processes 1.3 billion gallons of wastewater a day through 14 facilities, to small village systems that process less than 100,000 gallons a day. These facilities provide wastewater treatment for more than 15,000,000 people across the state." DEC's 2008 assessment of the costs to repair, replace and update New York's wastewater infrastructure estimated the total funding need to be \$36.2 billion over a 20-year period. A similar assessment for drinking water infrastructure found a need of \$38.7 billion over a 20-year period. These estimates were made prior to the devastation caused by extreme weather events such as Superstorm Sandy.

In order to help municipalities address outstanding water infrastructure needs, and to improve water quality, this year's State Budget contained over \$2.5 billion in new, multi-year funding for municipal water quality infrastructure grants including wastewater and drinking water projects, septic system upgrades, New York City watershed improvements, and land acquisition projects for source water protection projects. Funding included:

- \$1 billion for the 2017 Water Infrastructure Improvement Act;
- \$245 million for Water Quality Improvement Projects;
- \$200 million for New York City watershed projects;
- \$150 million for the Intermunicipal Water Infrastructure Grant Program;
- \$110 million for source water protection land acquisition;
- \$130 million for mitigation and remediation of contaminated drinking water;
- \$75 million for upgrades and replacements of septic systems and cesspools;
- \$50 million for Green Infrastructure Grants;
- \$50 million to help Concentrated Animal Feeding Operations (CAFOs) comply with water quality regulations;
- \$20 million for the replacement of lead drinking water service lines;
- \$10 million for a water infrastructure emergency loan fund; and,
- \$10 million for water quality mapping

Increased Drinking Water Testing and Remediation Requirements
(2017-18 State Budget)

Recent perfluorinated compound (PFC) contamination in Hoosick Falls, Yaphank, Gabreski Air National Guard Base, and the City of Newburgh highlighted the importance of comprehensive drinking water testing for emerging contaminants. The federal Environmental Protection Agency (EPA) website states “EPA uses the Unregulated Contaminant Monitoring Rule (UCMR) to collect data for contaminants that are suspected to be present in drinking water and do not have health-based standards under the Safe Drinking Water Act.” Perfluorooctanoic Acid (PFOA) was included on the most recent UCMR, however, in Hoosick Falls for example, the population was below the threshold level required to participate in the UCMR testing.

The State Budget contained provisions to require the State Department of Health (DOH) to adopt regulations identifying substances as emerging contaminants that meet certain criteria. At a minimum, the DOH emerging contaminant list will include perfluorooctane-sulfonic acid (PFOS), PFOA, and 1,4-dioxane. Once the emerging contaminant list has been established, public water supplies would be required to test for such contaminants. The State’s population threshold for such testing requirements is significantly lower than the threshold for the EPA’s UCMR criteria.

Public water supply systems that detect significant levels of emerging contaminants would be eligible for funding and participation in a remedial program to mitigate emerging contaminants in drinking water. Solid waste sites that contribute to drinking water contamination would also be eligible for mitigation and remediation funding.

The State Budget also established a twelve-member Drinking Water Quality Council within DOH to include members with expertise in toxicology, health risk assessment, environmental engineering and water supply. The Council would make recommendations to DOH regarding the list of emerging contaminants, the development of public educational materials, and, the use of and manner of conducting biomonitoring studies.

Environmental Protection Fund
(2017-18 State Budget)

The Environmental Protection Fund (EPF) was funded at \$300 million and included funding for traditional EPF programs such as waterfront revitalization, municipal recycling, water quality improvement, and farmland protection. The Assembly ensured that no less than 25 percent of the EPF funds appropriated for local waterfront revitalization and municipal parks projects will be made available for projects in densely populated or low-income communities that are underserved with respect to existing recreational opportunities in the area.

The table on the following page provides a detailed description of the allocations within the individual EPF accounts.

ENVIRONMENTAL PROTECTION FUND (EPF)**\$ (in millions)**

EPF Category	2017-18
Solid Waste Account	40.435
Municipal Recycling	14.000
Pollution Prevention Institute	4.000
Secondary Markets	.500
Environmental Health	6.500
Natural Resource Damages	3.235
Pesticide Database	1.500
Landfill Closure/Gas Management	.700
Environmental Justice Grants	8.000
Brownfield Opportunity Area Grants	2.000
Parks, Recreation and Historic Preservation Account	86.200
Waterfront Revitalization	16.000
Municipal Parks	20.000
Hudson River Park	3.200
Stewardship	30.000
Zoos, Botanical Gardens, and Aquaria	15.000
Local Navigation Law Reimbursement	2.000
Open Space Account	154.415
Land Acquisition	36.349
Environmental Commissions	.712
Farmland Protection	20.000
Agricultural Waste Management	1.500
Biodiversity	1.000
Albany Pine Bush	2.675
Invasive Species	13.000
Long Island Pine Barrens Commission	2.000
Ocean and Great Lakes	15.000
Water Quality Improvement	20.250
Long Island South Shore Estuary Reserve	0.900
Non-point Source Pollution Control	24.000
Soil and Water Conservation Districts	9.000
Finger Lakes - Lake Ontario Watershed	2.279
Hudson River Estuary Management	5.500
Lake Erie Watershed Protection Alliance	.250
Climate Change Mitigation/Adaptation Account	18.950
Greenhouse Gas Management	1.700
Climate Smart Community	12.000
Smart Growth	2.000
State Climate Adaptation Projects	.750
Climate Resilient Farms	2.500
Total	300.000

B. ENVIRONMENTAL QUALITY

Environmental Impact Zone Designation

(A.1862 Peoples-Stokes; Passed the Assembly)

This legislation would require the DEC to publish a list of “high local environmental impact zones” that would be defined as areas of the State that are most adversely impacted by existing environmental hazards. In compiling the 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, amount of pesticides sold and used, proximity of water bodies, and air quality.

Battery Stewardship

(A.6280 Englebright; Passed the Assembly)

Batteries contain metals such as zinc, steel and manganese that can be recycled, helping to reduce the need for mining and refining. Several other states including Vermont and Connecticut have adopted battery recycling programs.

This legislation would authorize New York to expand its recycling efforts beyond rechargeable batteries by requiring battery manufacturers to establish a consumer collection program for alkaline, carbon-zinc, and lithium metal batteries weighing two kilograms or less.

C. HAZARDOUS WASTE MANAGEMENT

Mercury Content of Light Bulbs

(A.2875 Kavanagh; Passed the Assembly)

The amount of mercury contained in compact fluorescent light bulbs varies by manufacturer. The European Union and several states have adopted laws that establish standards for the maximum amount of mercury that can be contained in light bulbs. This legislation would establish similar mercury content limits and strengthen disposal provisions.

D. FISH AND WILDLIFE

Safe Harbor Requirements

(A.4289-C Thiele; Chapter 179 of the Laws of 2017)

The ability of a fishing vessel to seek safe harbor in dangerous conditions dates back to ancient times. However, the circumstances in which out-of-state vessels can offload their catch in the State have not always been clear. Following litigation on the issue, DEC recently adopted a safe harbor guidance policy. This legislation incorporates the policy provisions in statute, including requirements for a documented emergency such as unsafe weather conditions, mechanical problems, or medical problems.

Increased Penalties for the Illegal Taking of Deer
(A.556 Woerner; Chapter 408 of the Laws of 2017)

Wildlife is held in trust for the people of the State. Penalties for the illegal taking of big game out of season or with an artificial light have not been increased in over a decade. This bill would increase the financial penalties associated with the illegal taking of big game.

Deer Management Report
(A.6818-A Hunter; Chapter 466 of the Laws of 2017)

The proliferation of deer in urban and suburban areas has become increasingly problematic, leading to adverse impacts such as increased traffic accidents. Several other states have adopted laws requiring an examination of existing management techniques to decrease such negative interactions.

This legislation, which is based in part on actions taken in other states, would require DEC to prepare a deer management report including, but not limited to: alternative deer control methods to reduce deer populations; methods to mitigate crop, vegetation and property damage from deer; and, methods to enhance public engagement and awareness of deer management issues.

Protections for Zoo Animals
(A.4186 Glick; Passed the Assembly)

Animals coming from zoos, petting zoos, circuses and carnivals have been trained and domesticated making them unfairly easy targets for hunters. This legislation would prohibit the hunting of an animal that a person knows, or has reason to know, is presently or was formerly a part of a zoo, petting zoo, carnival, or circus.

Protecting Biodiversity
(A.8153 Englebright; Passed the Assembly)

Plum Island, Great Gull Island, and Little Gull Island are isolated from Long Island and the mainland, and their geological formations and surrounding waters provide important habitat for marine mammals, sea turtles and many other plants and animals. The islands are of unique and significant physical and biological character, qualities and values, supporting important marine species. This bill would further recognize the islands' importance, and provide additional protections to the diverse and important marine mammal and sea turtle species.

This bill, while still allowing fishing, would amend the Environmental Conservation Law to:

- designate the area from mean high water seaward fifteen hundred feet around Plum Island, Great Gull Island and Little Gull island as a Marine Mammal and Sea Turtle Protection Area;
- define the Marine Mammal and Sea Turtle Protection Area to mean:
 - a site providing habitat to species including harbor seals, gray seals, harbor porpoises, and sea turtles;
 - the presence of a State-designated natural protective feature; and,
 - location within the boundaries of two estuaries of national significance.

- authorize the Department of Environmental Conservation to adopt regulations preventing the harassment, and providing for the protection, of marine mammals and sea turtles; and,
- establish a Marine Mammal and Sea Turtle Protection Area Advisory Committee.

E. ENVIRONMENTAL ENFORCEMENT

Hunting While Intoxicated

(A.1525 Zebrowski; Passed the Assembly)

Since 2002, New York law has provided that a driver with a Blood Alcohol Content (BAC) level of .08% or more is intoxicated. In 2003, the "boating while intoxicated" provisions of the Navigation Law were amended to conform to this standard. These changes were based in part on studies which determined that this level of alcohol in an individual's bloodstream can result in substantially impaired motor skills, perception and judgment. These are also critical skills used in hunting.

Several other states have amended their laws in recent years to set a .08% BAC level for the definition of hunting while intoxicated. These include Maine, Minnesota, New Hampshire and West Virginia. An individual who is too intoxicated to drive a car or pilot a boat is also unfit to engage in hunting. The increased risk is not only to the hunter, but to everyone else in the field. This legislation would lower the BAC to .08%, from the existing .10% BAC to ensure a consistent standard for intoxication in State law.

F. PETROLEUM MANAGEMENT

Tanker Avoidance Zones on the Hudson River

(A.6825-A Barrett; Chapter 351 of the Laws of 2017)

In June 2016, the United States Coast Guard issued an Advance Notice of Proposed Rulemaking to establish 10 new anchorage grounds and create 43 new vessel berths in the Hudson River between Kingston and Yonkers.

This legislation would establish conditions for petroleum-bearing vessels on the Hudson River, as well as the conditions for the implementation of tanker avoidance zones. Consideration for such designations could include: navigational hazards; environmental conditions; the existence of designated significant coastal fish and wildlife habitats; proximity to waterfront communities; disproportionate impacts on communities; federally or state-identified environmental remediation sites; community waterfront revitalization or comprehensive plans; and, potential impacts on environmental justice communities. In addition, the legislation would direct DEC to submit a report to the Governor and Legislature regarding recommendations on plans, policies, and programs affecting petroleum-bearing vessels, and on any proposed rulemaking from the United States Coast Guard, which would impact the Hudson River.

Increased Financial Security Requirements for Oil Storage Facilities
(A.1773 Fahy; Passed the Assembly)

The transport of crude oil by rail has increased exponentially nationwide in recent years, from over 9,000 carloads of crude oil in 2008 to over 400,000 in 2013. Events such as the Lac-Mégantic train derailment in Quebec have heightened the awareness of safety issues related to the transportation and storage of crude oil and the negative impacts of mishandling crude oil.

This legislation would modify the existing provisions of the Oil Spill Fund to require major petroleum storage facilities to demonstrate sufficient financial security to meet all responsibilities for cleanup and decontamination costs associated with any oil spill. In addition, this legislation would require railroads to submit information relating to their ability to pay in the event of a crude oil discharge, with such information then posted on DEC's website.

G. WATER CONSERVATION AND QUALITY

Water Quality Impairment from Land Clearing Debris and Compost Facilities
(A.2623 Englebright; Chapter 449 of the Laws of 2017)

Long Island's population of approximately three million people receives its drinking water from a sole source aquifer. Although Long Island's soil quality helps ensure a plentiful groundwater supply, this same quality allows contaminants to leach into the groundwater.

Recent studies, including the Horseblock Road Groundwater Report prepared by Suffolk County, have highlighted the potential for adverse water quality impacts as a result of large compost and mulch facilities. This legislation will help protect water quality by ensuring that water quality and other environmental protections are in place. More specifically, this bill would apply to large-scale land clearing debris and composting facilities and require: quarterly water testing, setbacks, dust and odor suppression, and fire risk management. In cases where the facility is in a primary recharge area an impermeable liner may be required. DEC could exempt facilities following a review of water testing results and a determination that such facilities do not pose a risk of water impairment.

Septic System Installation Reimbursement
(A.7892 Englebright; Chapter 363 of the Laws of 2017)

The 2017-18 State Budget authorized the creation of a Septic System Replacement Fund in order to incentivize the replacement of failing septic systems and the installation of more effective septic systems, such as advanced nitrogen removal systems. The Fund would provide reimbursement to homeowners eligible to participate in the program. However, concerns have been expressed about the out-of-pocket expenses that could be incurred by homeowners. This legislation would allow septic contractors, upon receipt of written authorization from eligible homeowners, to receive reimbursement directly. Such direct reimbursement would help maximize participation and ensure that low-income homeowners can also afford to participate.

Expedited Implementation of Emergency Water Infrastructure Funding
(A.7712 Morelle; Chapter 30 of the Laws of 2017)

The Clean Water Infrastructure Act of 2017, included as part of the 2017-18 Enacted Budget, created a Water Infrastructure Emergency Financial Assistance program. The program specified that following the declaration of an emergency in a municipality, DEC or DOH would determine if there is an imminent hazard to the public health or welfare or to the environment. If a hazard or the threat of a hazard is found, temporary emergency assistance would be provided to the municipality. Any authorized assistance would be provided within two business days.

Originally, funding would only be available 120 days after the effective date, or August 18, 2017. However, due to the nature of emergency situations currently faced by municipalities across the State, and in anticipation of such emergency situations in the near future, this legislation removed the 120-day waiting period and provided for immediate emergency financial relief.

Constitutional Amendment for the Right to Clean Air, Water and a Healthful Environment
(A.6279 Englebright; Passed the Assembly)

Ongoing water contamination and air quality concerns have highlighted the importance of clean drinking water and clean air as well as the need for additional environmental protections. This proposed constitutional amendment would follow the examples established in the state constitutions of Pennsylvania, Hawaii, Massachusetts, and Montana by ensuring that clean air and water are treated as fundamental rights for all New Yorkers. If passed, this concurrent resolution would amend the State Constitution's bill of rights to include a right to clean air, water and a healthful environment.

Water Saving Performance Standards
(A.5699-A Hunter; Passed the Assembly)

In 2006, the federal Environmental Protection Agency (EPA) released voluntary guidelines for water-efficient fixtures under a program called "Water Sense." These voluntary guidelines have higher performance standards for bathroom fixtures than those currently contained in State law. At least four other states, including California and Texas, have made the EPA's standards mandatory.

This legislation would incorporate the EPA's water conservation standards for bathroom fixtures, such as toilets and faucets, in State law.

Neighbor Notification of Proposed Wetland Development
(A.1366 Cusick; Passed the Assembly)

Current law requires any person proposing to conduct a regulated activity upon a wetland to file an application. Notice of such applications is filed with municipalities which then provide notice to adjacent land owners. This legislation would apply in municipalities with a population of a million or more and expand the notice requirements to include all property owners within 1,000 feet of the wetland.

Groundwater Monitoring at Mines
(A.6314 Thiele; Passed the Assembly)

Recent studies have highlighted the significant potential for groundwater impacts associated with mining operations. This potential is especially significant within sole source aquifers such as on Long Island.

This legislation would require a comprehensive groundwater monitoring program on and around mining sites, or reclaimed mines, in counties with a population of one million or more where the primary source of drinking water is a sole source aquifer. Routine groundwater sampling and monitoring can help determine what, if any, groundwater resources may be impacted from these types of operations, and provide an early warning system for any current or future groundwater contamination.

H. FOREST AND LAND RESOURCES

Constitutional Amendment for Health and Safety Projects on Forest Preserve Lands
(A.8301 Englebright; Passed the Assembly and Senate)
(A.40001 enabling legislation – Chapter 61 of the Laws of 2017)

Forest preserve lands are constitutionally protected and their discontinuance requires approval by two successively-elected Legislatures and a majority of the voters. This proposed constitutional amendment, based in part on the existing State highway land bank, would ensure that municipalities in the Adirondack and Catskill Forest Preserves could conduct certain health and safety projects without a specific constitutional amendment for each individual project, while still protecting the forest preserve. Specifically, the amendment would authorize the creation of a 250-acre health and safety land account which, following legislative approval, would authorize projects including: elimination of bridge hazards and dangerous curves and grades on county and town highways; relocation, reconstruction, and maintenance of county and town highways; and, water wells necessary to meet drinking water standards. In exchange for the creation of such account, and prior to the authorization of any projects, the State would be required to acquire 250 acres of land for inclusion within the forest preserve.

In addition, certain public utility lines and bike paths would be authorized to be placed in the width of State, county or town highways; provided however, that stabilization devices, such as guy wires, could extend beyond the width of the such highways in a manner to be determined by the Legislature. The language of the amendment makes clear that only existing roads are eligible for such projects and that any new roads developed within the forest preserve would still require constitutional scrutiny.

The passage of the proposed amendment this year represented second passage and the issue was approved by voters on the November ballot.

Pine Barrens Expansion
(A.7722-B Englebright; Veto Memo 245)

The Long Island Pine Barrens contains a unique dwarf pitch pine community. The United States Fish and Wildlife Service has indicated that it is one of only three such communities in the world. The New York State Legislature recognized the importance of the Pine Barrens in the 1990s when it created the “Long Island Pine Barrens Preserve” and provided statutory protections.

This legislation would expand the existing boundaries of the Pine Barrens and the “core preservation area.” Additional properties consisting of more than 800 acres of woodlands, fields, tidal marsh, vernal pool, and nearly one-mile of shorefront on Long Island Sound would be added. Based on inventory work by the New York Natural Heritage program, the new properties contain more than a dozen rare plant populations and at least twenty-five distinct ecological communities, as well as habitat for many indigenous bird, mammal, reptile, and amphibian species, including habitat for the federally threatened Northern long-eared bat. The expansion also includes the largest remaining undeveloped property within the Forge River watershed.

Protecting the State’s Freshwater Wetlands
(A.6282 Englebright; Passed the Assembly)

In 2006, the United States Supreme Court ruled that the federal government does not have jurisdiction over isolated wetlands. In light of this ruling, estimates from the Environmental Protection Agency and The Army Corps of Engineers suggest that at least 20 percent and possibly 50 percent of existing wetlands, constituting millions of acres nationwide, are now 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, DEC is currently limited to regulating mapped wetlands of special value or a size greater than 12.4 acres. This legislation would expand DEC’s regulatory authority to wetlands over one acre in size or of significant local importance and remove the existing requirement that lands or waters be included on the freshwater wetlands map in order to be considered wetlands.

State Geological Trail

(A.1505 Englebright; Passed the Assembly)

There are many naturally and culturally significant geological sites in New York including Niagara Falls, Letchworth Gorge, and the Adirondack and Catskill Parks. These geological sites help form the State's unique landscapes and provide considerable natural, aesthetic, recreational, and symbolic importance to New York's residents and visitors alike.

This bill would amend the Environmental Conservation Law to authorize the designation of geoparks and other sites in order to establish a State geological trail. A "geopark" would be defined as an area or territory of that State encompassing one or more sites of scientific importance, for not only geological reasons but also by virtue of their archeological, ecological, and cultural value. Specific areas, territories, and sites within the State would be studied and then designated as geoparks by the DEC commissioner. Each designated area would have a management plan designed to foster socio-economic development that is sustainable, and established methods for conserving and enhancing geological heritage.

I. CLIMATE CHANGE

Creation of the New York State Climate and Community Protection Act

(A.8270-A Englebright; Passed the Assembly)

Climate change is adversely impacting New York's public health, natural resources, environment and economy. In addition, climate change heightens the vulnerability of disadvantaged communities, resulting in even greater disproportionate environmental and socioeconomic burdens. The severity of current climate change and the threat of more severe changes will be impacted by the actions undertaken by New York and other jurisdictions to reduce greenhouse gas emissions.

New York's efforts to reduce greenhouse emissions will encourage other states to implement complementary greenhouse gas reduction strategies and provide a model for how such strategies can be effectively implemented. New York's actions will also advance the development of green technologies and sustainable practices within the private sector, which can have far-reaching impacts including a reduction in the cost of renewable energy components, and the creation of jobs and tax revenues in New York.

This legislation would:

- help put New York on track to minimize the adverse impacts of climate change through a combination of measures to reduce statewide greenhouse gas emissions and increase the resiliency of the State with respect to the impacts and risks of climate change that cannot be avoided;
- shape the ongoing transition in the State's energy sector to ensure that it creates good jobs and protects workers and communities that may lose employment in the current transition;

- prioritize the safety and health of disadvantaged communities, control potential regressive impacts of future climate change mitigation and adaptation policies on these communities; and,
- review and prioritize the allocation of certain public investments.

J. CHEMICALS

Lead Jewelry Labeling

(A.7723-A Ryan; Passed the Assembly)

The United States Environmental Protection Agency has identified lead as a probable human carcinogen, and exposure to even very low levels of lead can cause brain function impairment. Children are particularly vulnerable, and exposure has been linked to IQ, learning, memory and behavior impairments, and no level of lead exposure has been found to be safe for a developing child.

The federal government has pre-empted states from establishing lead content for children's products. However, this legislation would require children's jewelry with a certain lead content to be identified with a label stating "Warning: contains lead. May be harmful if eaten or chewed. Complies with federal standard."

K. DEPARTMENTAL POWERS

Promotion of Outdoor Environmental Activities

(A.735 Gunther; Chapter 276 of the Laws of 2017)

The average American child spends just four to seven minutes each day in unstructured play. Outdoor play has been linked to increasing fitness levels, raised levels of Vitamin D, improved vision, and improved academic performance.

This legislation would direct the commissioners of the Department of Environmental Conservation and Health to develop an outdoor environmental education and recreation plan for children that focuses on creating, developing and retaining opportunities for outdoor play and learning in New York State.

L. INVASIVE SPECIES

Best Practices in Treating Residential Property for Tick Prevention and Management (A.2809 Barrett; Passed the Assembly)

As incidences of Lyme disease and other tick-borne infections in the State increase, questions have arisen regarding effective methods for prevention and landscape management for residential properties.

In order to raise awareness of appropriate and effective methods, and to facilitate the delivery of information, this bill would require DEC to develop recommendations for best practices in treating residential properties for tick prevention and management, with the goal of ridding communities of ticks that contribute to tick-borne infections.

M. AIR QUALITY

Decreasing Air Emissions from Heating Oil (A.6954-A Englebright; Chapter 315 of the Laws of 2017)

Biodiesel in heating oil has been shown to reduce a number of different pollutants and greenhouse gas emissions that are emitted into the atmosphere. Carbon dioxide, nitrogen oxides, and sulfur oxides are reduced by 4 percent, 5 percent, and 5 percent, respectively, with a B5 blend. Particulate matter, carbon monoxide, and hydrocarbons have also shown reductions. These emissions cause a multitude of health issues, including respiratory and cardiovascular harm.

This legislation would require all heating oil sold in Nassau, Suffolk, and Westchester counties to contain at least five percent biodiesel beginning on July 1, 2018.

OVERSIGHT AND PUBLIC HEARINGS

In 2017, the Assembly Standing Committee on Environmental Conservation continued its oversight of environmental issues by holding the following hearings and roundtables:

Hearing on the Clean Energy Standard

On August 1, 2016, the New York State Public Service Commission approved the Clean Energy Standard (CES), which established the goal of obtaining 50 percent of the state's electricity from renewable sources by 2030. A component of the CES is the twelve-year "Zero-Emissions Credit" (ZEC) requirement, which was approved through a process that has raised concerns.

The hearing, held on May 1 in Albany, was an opportunity for the Assembly Committees on Corporations, Authorities, and Commissions; Consumer Affairs and Protection; Energy; and Environmental Conservation to explore the specifics of the Standard and the steps taken by the Commission that lead up to its decision. The Committees heard from the Public Service Commission and the New York State Energy Research and Development Authority (NYSERDA), and discussed ways to provide for more transparency and public involvement in a decision-making process of this scale and impact.

Water Quality and Budget Implementation

The 2017-18 State Budget contained \$2.5 billion in multi-year funding for water infrastructure projects including: \$110 million for land acquisition for source water protection; \$1 billion for upgrades to municipal drinking water and wastewater infrastructure; \$130 million for drinking water remediation and mitigation of contaminated water; \$75 million for septic system replacement; \$150 million for inter-municipal water infrastructure; and, \$20 million for the replacement of lead drinking water service lines.

The purpose of this hearing, held December 4 in New York City, was to examine the implementation of the water quality programs as well as their role in ensuring water affordability, and to examine water quality issues such as harmful algal blooms, increasing nitrogen levels, pesticide contamination, and water pollution prevention and enforcement.

OUTLOOK AND GOALS FOR 2018

The Committee looks forward to the 2018 Legislative Session. The Committee will continue its history of environmental advocacy and achievement by working to enact sound, workable environmental policies. Also, the Committee will continue its work to preserve open space. The Committee will consider legislation to improve water quality, and ensure safe drinking water. 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.

APPENDIX A
2017 SUMMARY SHEET

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

Final Action	Assembly <u>Bills</u>	Senate <u>Bills</u>	<u>Total</u>
<u>Bills Reported With or Without Amendment</u>			
To Floor; Not Returning to Committee (Favorable)	13	0	13
To Ways & Means	31	0	31
To Codes	30	0	30
To Rules	23	0	23
To Judiciary	1	0	1
Total	98	0	98
<u>Bills Having Committee Reference Changed</u>			
To Ways and Means	1	0	1
Total	1	0	1
<u>Senate Bills Substituted or Recalled</u>			
Substituted		10	10
Recalled		0	0
Total		10	10
<u>Bills Defeated in Committee</u>	0	0	0
<u>Bills Held for Consideration With a Roll-Call Vote</u>	14	0	14
<u>Bills Never Reported or Held in Committee</u>	246	40	286
<u>Bills Having Enacting Clause Stricken</u>	20	0	20
<u>Motion to Discharge Lost</u>	0	0	0
TOTAL BILLS IN COMMITTEE	379	50	429
TOTAL NUMBER OF COMMITTEE MEETINGS HELD		7	

APPENDIX B

ENVIRONMENTAL CONSERVATION BILLS THAT PASSED BOTH HOUSES

Assembly Bill	Sponsor	Description	Final Action
A.556	Woerner	Increases the penalties for deer poaching and jack lighting	Chapter 408
A.735	Gunther	Directs DEC and DOH to study and develop a long-term strategy for encouraging outdoor education and recreation for children	Chapter 276
A.1189	Cusick	Extends the authorization of residential property owners in high-risk brush fire areas on Staten Island to remove certain reeds	Chapter 108
A.2623	Englebright	Requires DEC to establish regulations protecting water quality from adverse impacts of mulch and compost facilities	Chapter 449
A.2980	McLaughlin	Designates Kinderhook Creek as an inland waterway	Chapter 110
A.2996-A	Crouch	Expands the areas in Broome County that are open for hunting	Chapter 125
A.3021	Lupardo	Designates the Chenango River as an inland waterway	Chapter 43
A.4027	Englebright	Extends provisions relating to youth pheasant hunting days on Long Island	Chapter 178
A.4289-C	Thiele	Provides a safe harbor exemption to commercial fishing vessels in certain emergency situations	Chapter 179
A.6521-A	Hawley	Authorizes rifle hunting in Orleans County	Chapter 243
A.6530-A	Hawley	Makes rifle hunting permanent in Genesee County	Chapter 133
A.6818-A	Hunter	Requires DEC to conduct a study regarding deer management techniques in urban and suburban areas	Chapter 466
A.6825-A	Barrett	Authorizes DEC to determine certain operating criteria, including the creation of tanker avoidance zones, for vessels operating on the Hudson River	Chapter 351
A.6954-A	Englebright	Requires the use of at least five percent biodiesel in Nassau, Suffolk and Westchester counties on and after July 1, 2018	Chapter 315

A.6996-A	Barrett	Designates Tenmile River and Wassaic and Webatuck Creeks as inland waterways	Chapter 142
A.7082	Cusick	Extends the moratorium on the storage of Liquefied Natural Gas (LNG) in New York City	Chapter 188
A.7123-A	Byrne	Designates Baldwin, Ossi and Purdys Lakes as inland waterways	Chapter 433
A.7176	Cahill	Extends certain provisions related to the Hudson River Greenway	Chapter 190
A.7186	Thiele	Extends the authorization for recreational spearfishing for three years	Chapter 66
A.7528-A	Butler	Designates East and West Caroga Lakes, Northville Lake, Cayadutta Creek and Kenyetto Creek as inland waterways	Chapter 255
A.7712	Morelle	Makes the Emergency Water Infrastructure Financing Program effective immediately	Chapter 30
A.7722-B	Englebright	Expands the Long Island Pine Barrens	Veto 245
A.7742	Jenne	Extends the authorization for angling in freshwater by a single individual with up to three lines	Chapter 203
A.7766	Kolb	Makes rifle hunting in Seneca County permanent	Chapter 204
A.7869	Santabarbara	Makes rifle hunting permanent in Schenectady County	Chapter 143
A.7892	Englebright	Authorizes septic system installers to receive direct reimbursement from the Septic System Replacement Fund	Chapter 363
A.7938	D'Urso	Extends DEC's authority to manage black sea bass	Chapter 207
A.7939	Skartados	Extends DEC's authority to manage squid	Chapter 208
A.7940	Jones	Extends the Environmental Facilities Corporation's special investment authority	Chapter 137
A.7965	Wallace	Extends DEC's authority to manage fish, shellfish, and crustacea in Special Management Areas	Chapter 209
A.7974	Byrne	Designates Peekskill Hollow Creek as an inland waterway	Chapter 161
A.8103	Colton	Extends DEC's authority to manage winter flounder	Chapter 213
A.8184-A	Englebright	Extends and enhances DEC's authority to manage crabs	Chapter 447

A.8271	Pellegrino	Extends DEC's authority to manage Atlantic and shortnose sturgeon	Chapter 217
A.8272	Barrett	Extends DEC's authority to manage Atlantic cod	Chapter 218
A.8273	Pheffer-Amato	Extends DEC's authority to manage Atlantic herring	Chapter 219
A.8274	Hunter	Extends DEC's authority to manage blueback herring	Chapter 220
A.8275	Williams	Extends DEC's authority to manage fluke-summer flounder	Chapter 221
A.8276	Carroll	Extends DEC's authority to manage scup	Chapter 222
A.8277	Sepulveda	Extends DEC's authority to manage sharks	Chapter 223
A.8278	Niou	Extends DEC's authority to manage whelk and conch	Chapter 224
A.8279-A	Englebright	Extends the authorization of DEC to issue commercial fishing licenses until 2018	Chapter 225
A.8301-A	Englebright	Authorizes public utility lines and bike paths to be located within the Forest Preserve, and establishes land banks within such Preserve for public health and safety projects	Delivered to Secretary of State

APPENDIX C

ENVIRONMENTAL CONSERVATION BILLS THAT PASSED THE ASSEMBLY ONLY

Assembly Bill	Sponsor	Description
A.1366	Cusick	Relates to requiring notice to neighboring landowners of intention to develop wetlands
A.1505	Englebright	Provides for the designation of geologically significant areas and for the establishment of a State geological trail
A.1525	Zebrowski	Decreases the amount of alcohol in a person's system necessary to be considered hunting while intoxicated
A.1773	Fahy	Ensures adequate financing for the cleanup of petroleum discharges
A.1862	Peoples-Stokes	Requires DEC to publish a list of high local environmental impact zones
A.2809	Barrett	Requires DEC to prepare recommendations for best practices in treating residential properties for tick prevention and management
A.2875	Kavanagh	Relates to the reduction of mercury in compact fluorescent light bulbs
A.4052	Englebright	Extends the authority for certain counties to enforce the Bottle Bill Law
A.4186	Glick	Prohibits the hunting of zoo, petting zoo, carnival, or circus animals
A.5699-A	Hunter	Improves standards for water saving performance in bathroom fixtures
A.6279	Englebright	Constitutional amendment establishing the right to clean air and water and a healthful environment
A.6280	Englebright	Establishes a product stewardship program for non-rechargeable batteries
A.6282	Englebright	Increases DEC's regulatory authority over freshwater wetlands
A.6314	Thiele	Authorizes localities to adopt laws requiring the monitoring of groundwater impacts from mining
A.7723-A	Ryan	Requires a warning label to be placed on certain children's jewelry containing lead
A.7937-A	Harris	Authorizes the placement of navigational aids adjacent to Coney Island

A.8153	Englebright	Establishes the Marine Mammal and Sea Turtle Protection Area around Plum Island, Great Gull Island and Little Gull Island
A.8270-A	Englebright	Enacts the New York State Climate and Community Protection Act