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Summary of Environmental Legislation Enacted by New York State, 1973-74;  
and Legislative Proposals by DEC for 1975*

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Enacted by New York State, 1973-74; and Legislative Proposals by  
Department of Environmental Conservation for 1975\*  
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Summary of Major Environmental Legislation Enacted in 1973

During the 1973 Legislative Session approximately 1100 bills were introduced relating to environmental concerns. These bills pertained to, among other things, the Adirondack and Catskill Parks, environmental impact statements, solid waste management, discharge of pollutants into waters, tidal and non-tidal wetlands, air contaminant emissions, erosion control, flood control, fish and wildlife, environmental noise, citizen suits, packaging, household cleansing products, sewage treatment plant construction, mining, and enabling legislation for the Environmental Quality Bond Act. Approximately 220 of the bills were reported from the committees to which they were assigned to the floor of the Senate and/or Assembly. A number of bills passed through both houses and were approved by the Governor. They are now encoded in various chapters of the Environmental Law. The most significant added to various chapters of the Environmental Law were:

Two dealing with land use:

Chapter 348 - Provides for adoption and implementation of the Adirondack Park land use and development plan.

Chapter 399 - Places in the Department of Environmental Conservation full authority for regulating the operation of landfills, incinerators and other solid waste management facilities.

One dealing with water management:

Chapter 801 - Creates a State Pollutant Discharge Elimination System (SPDES), to insure that New York will have authority to issue permits for discharges into water of the State in conformance with the requirements of the Federal Water Pollution Control Act Amendments of 1972. These permits are now being issued, and for the first time we know precisely what is being discharged into local waters.

Three dealing with monetary matters, financing and fines:

Chapter 674 - This bill, part of the Governor's 1973 legislative program, enables the Job Development Authority to assist in financing the cost of pollution control facilities for manufacturing, industrial and research plants.

\* The information for this Bulletin is almost verbatim from summaries provided to the Commissioner of the Department of Environmental Conservation and his principal assistants, by James E. Davis, Legislative Counsel. Mr. Davis kindly provided copies of the summaries.

Chapters 402 and 673 - These bills make an appropriation of funds for implementation of the Environmental Quality Bond Act of 1972, create an Environmental Quality Protection Fund, make necessary changes with relation to the State share of the cost of water pollution abatement facilities to reflect the Federal Water Pollution Control Act Amendments of 1972 and provide for recommendation by the State Nature and Historical Preserve Trust of the inclusion of certain unique areas within the preserve.

Chapter 242 - Increases the maximum civil and criminal penalties for air and water pollution in violation of the provisions of the Environmental Conservation Law from two thousand five hundred dollars to ten thousand dollars.

Numerous other bills affecting the environment were acted upon affirmatively. Among these are the following, added to chapters of the Environmental Law:

Chapter 130 - Prohibits operation of vehicles, excavation or making of improvements upon lands burdened by a flood control easement, except under permit from the Department of Environmental Conservation (DEC).

Chapter 157 - Requires that DEC, in considering an application for the taking of a new source of water supply, shall determine whether the proposed supply will be adequate and whether proper consideration has been given to other sources of water which may be available. In a sense, this is a limited environmental impact requirement, limited to the question of need and alternate source.

Chapter 311 - Designates the wolf (*Canis lupus*) as an endangered species.

Chapter 314 - Repeals the exemption given to farmers from the requirement of obtaining a custom pesticide applicator certification.

Chapter 636 - Authorizes the Commissioner of Motor Vehicles to establish and maintain experimental motor vehicle inspection stations to insure adequate inspection of antipollution and safety devices.

Chapter 672 - Authorizes towns to provide for resource recovery programs and to enter into contracts therefor, the term of which may extend up to twenty years.

#### Summary of Major Environmental Legislation Enacted in 1974

During the 1974 Legislative Session over 1000 more bills were introduced relating to environmental concerns. These bills pertained to, among other things, the Adirondack and Catskill Parks, land use control, environmental impact statements, solid waste management, discharge of pollutants into waters, inland wetlands, air contaminant emissions, erosion control, flood control, fish and wildlife, environmental noise, citizen suits, sewage treatment plant construction, and mining. More than 200 of these bills were reported, from the committee to which they had been assigned, to the floor of the Senate and/or Assembly.

The following highly significant bills were acted upon affirmatively by the Legislature, approved by Governor Wilson and are now encoded in the various Chapters of the Environmental Conservation Law:

Five dealing with land use:

Chapter 1043 - This chapter would insure that lands adversely affected by mining operations would be restored, as nearly as possible, to their former state. The law requires that major mining enterprises obtain a permit guaranteeing

reclamation of lands disturbed by their operations. Issuance of the permit would be contingent upon filing an acceptable plan describing the method of mining, the property to be mined and the reclamation plan and schedule.

Chapter 839 - This chapter is designed to assist local governments in reducing flood hazards and losses and to insure participation by the State's flood prone communities in the National Flood Insurance Program. It will ensure that the technical assistance needed by communities in developing land use regulations required for participation in the national program will be available from the appropriate State agencies. The bill also contains standby authority for the Commissioner of Environmental Conservation to promulgate and administer flood hazard regulations in the event that the community having federally identified flood hazard areas is not participating in the national program, thereby preventing the loss of federally related financial assistance that would otherwise result.

Chapter 814 - Taxation of Forest Lands. This chapter provides that eligible tracts of land devoted to the production of forest crops may be assessed for taxation purposes on the basis of the average value per acre of lands used in forest crop production in New York State. Formerly, the lands could be assessed on the basis of their value for development.

Chapter 331 - Protected Plants. This bill, introduced at the request of the DEC, authorizes the Department to promulgate and adopt a list of plants which by reason of their rarity, uniqueness, scarcity or endangered status should not be picked or removed from their natural habitat. The bill further renders it unlawful for any person knowingly to pick or remove, without the consent of the owner, any protected plant.

Chapter 987 - Green Thumb Environmental Beautification Corporation. This Chapter authorizes the DEC and the Office of Parks and Recreation to enter into contracts with the Green Thumb Environmental Beautification Corporation for the performance of environmental conservation and beautification services. This bill provides meaningful and rewarding employment opportunities for senior citizens in New York.

Three dealing with water management:

Chapter 455 - Menhaden Seines. This measure prohibits the operation of menhaden seines in a certain portion of the western end of Long Island Sound. Enactment of this bill represents a compromise between commercial and saltwater sports fishermen.

Chapter 737 - Municipal Sewage Treatment Works: State Aid. This measure, introduced at the request of the DEC, continues for three years the State assistance program to municipalities for operation and maintenance of sewage treatment works.

Chapter 516 - Water Pollution Penalties. This chapter, introduced at the request of the DEC, increases the monetary penalties for pollution of the waters of the State to a civil penalty of not to exceed \$10,000 per day of violation and to a criminal penalty of not less than \$2,500 and not more than \$25,000 per day of violation. This increase conforms New York State's Water Pollution Control Law to the Federal Water Pollution Control Act Amendments of 1972.

Two dealing with the Environmental Facilities Corporation:

Chapter 1046 - Environmental Facilities Corporation: Aid to Industry. This measure, introduced at the request of the DEC and the Environmental Facilities Corporation, would permit the Environmental Facilities Corp., a public benefit corporation, to finance the construction of projects, including sewage treatment works, sewage collecting systems, solid waste disposal facilities, air pollution control facilities, water management facilities, and storm water collecting systems by loan agreements, mortgages, contracts or other instruments with individuals, firms, partnerships, public utilities, associations or corporations.

Chapter 551 - Environmental Facilities Corporation: Resource Recovery. This chapter, introduced at the request of the DEC and the Environmental Facilities Corp., grants to the Environmental Facilities Corp. the power to utilize recent technological advances in solid waste recovery, thereby allowing the Corporation to better assist the municipalities of this State in financing and constructing environmentally acceptable and sound solid waste disposal facilities.

One dealing with enforcement of the Environmental Law:

Chapter 707 - Law Enforcement. This measure, introduced at the request of the DEC, authorizes all police officers and certain designated Departmental employees to issue appearance tickets and simplified informations for offenses committed in violation of the Environmental Conservation Law or rules.

Numerous other bills affecting the environment were acted upon affirmatively. Among these were the following:

Chapter 292 - Authorizes the Town of Greece to prohibit the discharge of firearms in areas in which such activity may be hazardous to the general public or nearby residents.

Chapter 347 - Prohibits the depositing of garbage, cinders, ashes, oils, acids, sludge or refuse into the waters of the marine district.

Chapter 356 - Provides that upon the entry of a judgement restraining the sale or offering for sale of endangered species on the ground that such items were sold or offered for sale in violation of the Environmental Conservation Law, such endangered species shall be forfeited. This includes both live animals and pelts.

Chapter 748 - Extends until October 31, 1975 the date when the Legislative Commission to Formulate a Comprehensive Energy Policy for the State of New York shall make its final report to the Governor and the Legislature.

Summary of Some of the 95 Proposals Made by the DEC for the 1975 Legislative Session

Many environmental bills will be introduced by Assemblymen, Senators and the Executive Department in the 1975 Legislative session. The DEC has submitted a number of proposals for legislation.

Seven dealing with energy:

- #34 - Provide an appropriation for DEC to study transportation, reprocessing and storage of radioactive materials from nuclear power plants.
- #9 - To require large energy consumers to meter individually major portions of their total operation.
- #11 - To prohibit the "instant on" device on new TV sets sold in New York State.
- #12 - To require that any appliance offered for sale have affixed thereto a label indicating its cost of operation in terms of energy consumption.
- #13 - Require the use of electric ignitors instead of pilot lights on all new gas furnaces, stoves and appliances.
- #16 - Require an "energy efficiency rating" to be placed on the price sticker of any car sold in New York State
- #17 - Restructure automobile registration rates on the basis of fuel consumption.

Four deal with land use:

- #39 - To require a permit for all oil, gas and solution mining wells regardless of the date of discovery of the pool or field.
- #21 - To require that local government, in reviewing an application for development within its jurisdiction, give consideration to the economic and social consequences of the approval of such an application.
- #25 - To provide for the creation of an interest in realty known as a "conservation easement" and to provide for the taxation of land burdened thereby.
- #28 - To require environmental assessment of construction projects likely to have a significant effect upon the environment.

Nine dealing with water management:

- #8 - To require certain thermal dischargers to develop beneficial uses for waste heat.
- #22 - To establish an Oswego Basin Regulatory Board to promulgate basin management policy for the Oswego Basin.
- #33 - To authorize DEC to regulate the transportation off shore of oil and gas within the territorial jurisdiction of New York State.
- #3 - To prohibit the operation of outboard motors not equipped with a device to prevent the discharge of crankcase drainage.
- #41 - To authorize DEC to regulate the removal of off shore minerals other than oil and gas.
- #48 - To provide authority to regulate the taking of underground supplies of water.
- #61 - To include Class C waters under those protected under the provisions of the Stream Protection Law.

#72 - To prohibit disposition of earth, soil, refuse or other solid substances in any stream inhabited by fish.

#74 - To authorize DEC to adopt migratory waterfowl regulations which are more stringent than those adopted by the federal government.

Two dealing with environmental impact assessment:

#29 - To require State agencies and public authorities to submit environmental impact statements to DEC prior to undertaking projects which may have a substantial effect upon the environment.

#30 - To insure DEC's authority to review the total environmental impact of a project for which the Department has taken jurisdiction.

Two deal with noise control:

#36 - To update the provisions of the Vehicle and Traffic Law which fix the maximum sound level for motor vehicles.

#40 - To provide authority for DEC to set standards for control of noise from various home yard appliances such as power saws and power mowers.

Two deal with protection of plants, animals, historic sites:

#77 - To conform New York's law to the federal law by providing hawks and owls with greater protection.

#95 - To provide for the designation of certain trees as unique, historic, etc.

Other proposed bills include a variety of subjects.

#26 - To authorize the creation of a Natural Resources Data Center

#27 - To provide more effective control over billboards and advertising signs.

#4 - To authorize an action against a person violating environmental laws or standards whether or not the plaintiff is injured thereby.

#5 - To authorize police officers to issue a traffic summons and/or remove a motor vehicle from a public highway for a violation of the requirements relating to automotive emission control devices.

#18 - To provide uniform administrative procedures for issuance of regulatory permits and conduct of hearings.

#19 - To authorize immediate suspension of hunting licenses, pending a hearing, where an accident occurs resulting in injury or death.

#23 - Require that anyone selling lubricating oil maintain facilities for collection of the oil after its use.

#7 - To create a board on environmental education and to designate its powers and duties.

End Notes

1) The original list of DEC legislative proposals was extended with a few additions, of which #97 is possibly the most significant since it is a returnable container law with deposits required. Legislative sources, however, give the proposal little chance of introduction.

2) On April 18, 1975, the Rochester Times-Union reported the content of the package of environmental legislation proposed by Governor Hugh Carey. The 10 bills include extension of land use controls to the more critical areas of the State; freshwater wetlands for example. Regulation would be affected partly by extending review power to cover all environmental impact for developments which are now subject to limited review (water supply and disposal). Environmental impact requirements would be applied to all governmental agencies. In addition the package includes increased activity for natural resources inventory, enabling legislation for citizen suits, and measures to upgrade air quality through increased vehicular inspection and control devices and through public disclosure of air quality data.

3) For more detailed and current information about environmental legislation, we suggest the *Newsletter* of the Environmental Planning Lobby, 109 State St., Albany N.Y. 12207 (tel. 518-462-5526). During the current session, newsletter numbers 1 - 4 of Volume 5 have been issued at monthly intervals.

Also, *New York State Environment*, monthly newspaper issued by the Environmental Conservation Department, 50 Wolf Road, Albany, N.Y. 12233; the March and April issues devote considerable space to environmental legislation.

4) To inquire about the status of any particular bill, telephone without cost 800-342-9860 and specify bill number. For copies of bills, write Senate or Assembly Documents Room; State Capitol Bldg., Albany, N.Y. 12224. Again, the bill number is needed for good service. Local legislators of either party have some staff services, and are generally glad to help seek information. Finally, Region 8 of the Department of Environmental Conservation at Avon, N.Y., (toll free) 624-3350, will supply information on departmental legislation if they have it available.



