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Committee on
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Legislative report from the NYS Assembly Committee on Environmental Conservation

Dear Friend:

It has been a little over a year since Assembly Speaker Carl Heastie named me Chairman of the Assembly Committee on Environmental Conservation. Since taking the helm of this important Committee, I have been working to build common ground on environmental issues and policy throughout the diverse regions of our State.

With my scientific background and commitment to protecting and enhancing the quality of our land and waters, I've been focused on the many urgent challenges to the environment in our state. This newsletter summarizes some of the initiatives and accomplishments of the Committee, including environmental initiatives in the 2016-17 State Budget.

I welcome your ideas and concerns. Please do not hesitate to contact me.

Sincerely,

Steve Englebright

Chair, NYS Assembly Committee on Environmental Conservation



Children's Environmental Health Centers

Karen Miller of Huntington Breast Cancer Action Coalition (HBCAC) and Evonne Kaplan-Liss, MD of the NYS Center of Excellence in Children's Environment Health at Stony Brook met with Chairman Englebright to discuss the astronomical cost of environmental pollution to the health of our children and our economy. In NYS alone over \$4 billion in healthcare costs annually could be avoided through prevention of exposure to pollutants. Pictured from left to right: Evonne Kaplan-Liss, MD; Assemblyman Englebright; and Karen Miller.

BUDGET HIGHLIGHTS

Cancer Mapping

(2016-17 State Budget)

The link between environmental factors and health has become increasingly clear. Chapter 77 of the Laws of 2010 required the Department of Environmental Conservation (DEC), in cooperation with the Department of Health's Environmental Public Health Tracking Program Technical Advisory Group, to establish and maintain a computer mapping system for plotting cancer incidence, including but not limited to cancer clusters, and environmental facilities throughout the State.

The 2016-17 State Budget extended the existing cancer mapping authorization for six years and required more timely reporting to help ensure that researchers and health professionals continue to have access to this important information.

Increased Funding for Drinking Water and Wastewater Infrastructure

(2016-17 State Budget)

According to DEC "...there are over six hundred wastewater treatment facilities that serve 1,610 municipalities. The facilities range in size from New York City's

(continued on page 2)

State Budget Highlights *(continued from page 1)*



Arbor Day Native Tree Planting

Arbor Day native tree planting at the DEC's Lustgarten Preserve in Ridge, NY. From left to right, Assemblyman Englebright, Carrie Meek Gallagher, Region 1 DEC Director, and John Wernet, Region 1 DEC Forester.

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 twenty-year period. A similar assessment for drinking water infrastructure found a need of \$38.7 billion over a twenty-year period. These estimates were made prior to the devastation caused by recent extreme weather events. To further compound the problem, the need for investment comes at a time when the federal government has decreased the funding available to states. In a twenty-year period federal funding for wastewater facilities decreased by over 70 percent, from \$2.4 billion to \$687 million.

The infrastructure deficiencies have an adverse impact on water quality. DEC indicates that in New York City and Long Island, municipal wastewater sources are cited as the cause of 54 percent of all impaired marine estuary acres. In addition, water quality impairment is the most common cause of shellfish closures.

In order to help municipalities address their water infrastructure needs, and to improve water quality, last year’s State Budget contained \$200 million in new, multi-year funding for municipal water quality infrastructure grants including wastewater and drinking water projects. The \$200 million is in addition to the monies currently available through New York State’s Drinking Water and Clean Water Revolving Loan Funds. The program is administered by the Environmental Facilities Corporation.

The 2016-17 State Budget contained an additional \$200 million in funding for municipal water quality infrastructure grants bringing the two-year funding total to \$400 million.

HIGHLIGHTED LEGISLATION

Restrictions on the Use of Harmful Chemicals in Children’s Products

(A.5612-A Englebright; Passed the Assembly, awaiting Senate action)

Currently, New York identifies or prohibits the use of dangerous chemicals on a chemical by chemical basis. Several other states including Washington, California, and Maine have adopted more comprehensive chemical policies after finding high levels of cadmium, lead, and other dangerous chemicals in children’s products ranging from crib mattresses to toys.

This legislation is modeled after those states and is intended to prevent the use of dangerous chemicals and encourage the use of safer chemical alternatives in children’s products.

This legislation would require DEC to develop lists of dangerous chemicals and require manufacturers of children’s products containing such chemicals to report their use to DEC. The sale of children’s products containing hazardous chemicals would be prohibited unless DEC issues a waiver.

Climate Change

(A.10342 Englebright; Passed the Assembly, awaiting Senate action)

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 bill 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.

Preserving Long Island’s Water Quality

(A.10144-B Englebright; Passed the Assembly, awaiting Senate action)

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 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. 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.

Increased Penalties for Endangered Species Violations

(A.10471 Englebright; Passed the Assembly, awaiting Senate action)

Not only do endangered and threatened species add beauty and wonder to the natural world, but they provide the biodiversity necessary for the maintenance of our ecosystems.

Unfortunately, trade in illegal wildlife is increasing. The United States Fish and Wildlife Service identifies trade in illegal wildlife as a multi-billion dollar business that has been increasing significantly in recent decades. New York has not been immune. For example, there have been several high profile cases of illegal ivory trade in New York City.

This bill would help increase awareness of the need for protections of such species and provide additional deterrents to their harm. More specifically, this bill would:

- authorize rewards of up to \$25,000 for information that leads to the detection, arrest and conviction of a person guilty of a felony or misdemeanor related to endangered or threatened species;
- increase the endangered or threatened species civil penalty; and,
- require the Department of Environmental Conservation to:
 - increase public awareness regarding the importance of protecting endangered and threatened species;
 - publicize laws protecting such species; and,
 - increase awareness of the existence of a reward.

Increased Financial Security Requirements for Oil Storage Facilities

(A.7625 Fahy; Passed the Assembly, awaiting Senate action)

The transport of crude oil by rail has increased exponentially nationwide over the past five years, from over 9,000 carloads of crude oil in 2008 to over 400,000 in 2013. Events such as the Lac-Megantic 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 bill 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.

Protecting Biodiversity

(A.10474-A Englebright; Passed the Assembly, awaiting Senate action)

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.



Climate Change and Community Protection Act

The Climate Change and Community Protection Act came out of a series of three roundtables held around the state by the Climate Change Working Group. Our third roundtable covered the ecological and environmental justice implications of climate change in our state. Here, Chairman Englebright joins Dr. Malcolm Bowman and Dr. Carl Safina of Stony Brook University, and Jim Gennaro of the NYS Department of Environmental Conservation for a post-roundtable discussion. From left to right, Dr. Malcolm Bowman, Dr. Carl Safina, Assemblyman Englebright, and Jim Gennaro.

Constitutional Amendment for Health and Safety Projects on Forest Preserve Lands

(A.10721-A Englebright; Passed the Assembly and Senate)

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 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 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 represents first passage.

Best Practices in Treating Residential Property for Tick Prevention and Management

(A.8110-A Barrett; Passed the Assembly, awaiting Senate action)

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.

ENVIRONMENTAL PROTECTION FUND (EPF)

The Environmental Protection Fund (EPF) was funded at \$300 million, an increase of \$123 million over the prior year's Budget. The EPF provides funding for a variety of environmental projects including open space acquisition, water quality improvement, municipal recycling, waterfront revitalization and municipal parks. Funding was provided as follows:

EPF Funding \$ (in millions)			
Enacted	EPF Category 2016-17	Enacted	EPF Category 2016-17
Solid Waste Account	34.850	Biodiversity	1.000
Municipal Recycling	14.000	Albany Pine Bush	2.675
Pollution Prevention Institute.....	4.000	Invasive Species	12.000
Secondary Markets	1.000	Long Island Pine Barrens Planning.....	1.800
Environmental Health.....	3.000	Ocean and Great Lakes	15.000
Natural Resource Damages.....	1.950	Water Quality Improvement.....	20.000
Pesticide Database	1.200	Long Island South Shore Estuary Reserve.....	0.900
Landfill Closure/Gas Management	700	Non-point Source Pollution Control.....	27.000
Environmental Justice Grants	7.000	Soil and Water Conservation Districts.....	9.000
Brownfield Opportunity Area Grants	2.000	Finger Lakes - Lake Ontario Watershed	2.279
Parks, Recreation and Historic Preservation Account.....	81.500	Hudson River Estuary Management	5.000
Waterfront Revitalization	16.000	Lake Erie Watershed Protection Alliance.....	.250
Municipal Parks	20.000	Water Testing Pilot Program.....	1.500
Hudson River Park	2.500	Dredging Matching Grant Program	1.000
Stewardship	28.000	Climate Change Mitigation and Adaptation Account	22.000
Zoos, Botanical Gardens, and Aquaria	15.000	Greenhouse Gas Management	1.000
Open Space Account.....	161.650	Climate Smart Community	14.000
Land Acquisition	40.000	Smart Growth.....	2.000
Environmental Commissions.....	.746	Vulnerability Assessments	2.500
Farmland Protection	20.000	Climate Resilient Farms	2.500
Agricultural Waste Management.....	1.500	Total	300.000



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HIGHLIGHTED COMMITTEE ACTIVITY

Electronic Waste Hearing

The United States Environmental Protection Agency (EPA) "Characterization of Municipal Solid Waste by Weight" reports indicate that the amount of discarded electronic waste, commonly referred to as E-waste, is rising. In 2011, 3.4 million tons of E-waste were generated, up from 1.9 million tons in 2000. E-waste, such as televisions and computers, typically includes harmful chemicals such as lead, cadmium, mercury and flame retardants. In 2010, the Legislature created a statewide electronic equipment

reuse and recycling program to encourage recycling and prevent the disposal of E-waste in landfills. On February 24th the Assembly Environmental Conservation Committee held a hearing in Albany to examine the effectiveness of the State's E-waste program including collection rates, administration, and manufacturer compliance.

In response to concerns raised by municipalities at the hearing, the 2016-17 State Budget included \$3 million to facilitate the collection of E-waste from municipal collection sites. E-waste will continue to be an issue of focus for the Committee.