

**S5181** HARCKHAM Same as [A 5338](#) Levenberg  
ON FILE: 02/24/23 Environmental Conservation Law  
TITLE.....Prohibits the discharge of any radiological agent into the waters of the state  
02/24/23 REFERRED TO ENVIRONMENTAL CONSERVATION

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HARCKHAM, CHU, KRUEGER, MAYER, ROLISON, SALAZAR, SKOUFIS, WEBER  
Add §17-0513, En Con L  
Prohibits the discharge of any radiological agent into the waters of the state.

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# STATE OF NEW YORK

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5181

2023-2024 Regular Sessions

## IN SENATE

February 24, 2023

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Introduced by Sen. HARKHAM -- read twice and ordered printed, and when printed to be committed to the Committee on Environmental Conservation

AN ACT to amend the environmental conservation law, in relation to prohibiting the discharge of any radiological agent into the waters of the state

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

- 1 Section 1. The environmental conservation law is amended by adding a  
2 new section 17-0513 to read as follows:  
3 § 17-0513. Prohibition against radiological pollution.  
4 1. It shall be unlawful for any person or entity, directly or indi-  
5 rectly, to throw, drain, run or otherwise discharge any radiological  
6 agent into the waters of the state.  
7 2. Failure to comply with the provisions of this section shall result  
8 in a fine of twenty-five thousand dollars per day for a first violation,  
9 fifty thousand dollars per day for a second violation and one hundred  
10 fifty thousand dollars per day per violation thereafter.  
11 3. The attorney general shall have jurisdiction to enforce the  
12 provisions of this section in accordance with the powers granted pursu-  
13 ant to section sixty-three of the executive law.  
14 § 2. This act shall take effect immediately.

EXPLANATION--Matter in italics (underscored) is new; matter in brackets [-] is old law to be omitted.

LBD08304-04-3

**NEW YORK STATE SENATE  
INTRODUCER'S MEMORANDUM IN SUPPORT  
submitted in accordance with Senate Rule VI. Sec 1**

**BILL NUMBER:** S5181

**SPONSOR:** HARCKHAM

**TITLE OF BILL:**

An act to amend the environmental conservation law, in relation to prohibiting the discharge of any radiological agent into the waters of the state

**PURPOSE OR GENERAL IDEA OF BILL:**

Prohibits the discharge of any radiological agent into New York State water.

**SUMMARY OF PROVISIONS:**

Section 1 amends the environmental conservation law by adding a new section 17-0513 that prohibits the throw, drain, run or otherwise discharge (directly or indirectly) of any radiological agent into the waters of the state. Failure to comply shall result in fines of \$25,000 per day for a first violation, \$50,000 per day for a second violation and \$150,000 per day per violation thereafter. The Attorney General shall have jurisdiction to enforce these provisions.

Section 2 states the effective date.

**JUSTIFICATION:**

The Hudson river serves as a drinking water source for over 100,000 New Yorkers. The potential release of radioactive contaminants to our state's most influential river is an urgent matter to the residents of Peekskill and all other communities along the tidal estuary. Exposure to toxic substances and radioactive material poses not only a possible health risk, but also a serious economic risk to our communities with potential negative impacts on real estate values.

To protect the health and economic well being of its residents, New York must take a strong stance against radiological dumping into state waters. Existing regulations represent the minimum protections the state is required to provide and must evolve over time to be more protective. As climate change continues to threaten us, our water sources will serve as a competitive edge to resiliency. We must ensure they are protected and preserved.

**PRIOR LEGISLATIVE HISTORY:**

New bill

**FISCAL IMPLICATIONS FOR STATE AND LOCAL GOVERNMENTS:**

None.

**EFFECTIVE DATE:**

This act shall take effect immediately.