

The Legislature of Rockland County



ALDEN H. WOLFE
Vice Chairman
Legislator – District 6

Chair, Environmental Committee

AGENDA
ENVIRONMENTAL COMMITTEE
THURSDAY, MARCH 21, 2013
5:45 PM

ROLL CALL

ADOPTION OF MINUTES, MEETING OF DECEMBER 12, 2012

1. REF. #9487 **REQUESTING THAT THE NEW YORK STATE SENATE PASS BILL S.1344 -AN ACT TO AMEND THE TRANSPORTATION LAW IN RELATION TO THE POWERS OF GAS AND ELECTRIC CORPORATIONS (HONS. EDWIN J.DAY, DOUGLAS J. JOBSON, JAY HOOD JR. LEGISLATURE)**

2. REF. #4374 **REQUESTING THAT THE NEW YORK STATE ASSEMBLY PASS BILL A.1297 AND THE NEW YORK STATE SENATE PASS BILL S.1995- AN ACT ENACTING THE "ROCKLAND BERGEN BI-STATE WATERSHED FLOOD PREVENTION AND PROTECTION ACT" AND CREATING THE ROCKLAND BERGEN BI-STATE RIVER COMMISSION (HON. ALDEN H, WOLFE, LEGISLATURE)**

3. REF. #0770 **URGING THE UNITED STATES HOUSE OF REPRESENTATIVES TO PASS H.R.712- TO EXTEND THE AUTHORIZATION OF THE HIGHLANDS CONSERVATION ACT THROUGH FISCAL YEAR 2024 (HON. ALDEN H. WOLFE, LEGISLATURE)**

4. REF. #4124 **SETTING A DATE FOR PUBLIC HEARING: A LOCAL LAW PROHIBITING THE TREATMENT OF HYDROFRACKING WASTEWATER IN ANY WASTEWATER TREATMENT PLANT IN ROCKLAND COUNTY AND THE USE OF HYDROFRACKING BRINE TO TREAT ROADS IN ROCKLAND COUNTY (HON.HARRIET D. CORNELL LEGISLATURE)**

5. REF. #9481 **DISCUSSION ITEM: OPERATIONAL REVIEW (DEPARTMENTAL FUNCTIONS) YOUTH BUREAU AND ENVIRONMENTAL RESOURCES (HON. ALDEN H. WOLFE, LEGISLATURE)**

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ENV.AGA32113, LES

DRAFT

Introduced by:

Hon. Edwin J. Day, Sponsor
Hon. Douglas J. Jobson, Sponsor
Hon. Jay Hood, Jr., Sponsor

Referral No.
, 2013

RESOLUTION NO. OF 2013
REQUESTING THAT THE NEW YORK STATE SENATE PASS BILL S.1344 –
AN ACT TO AMEND THE TRANSPORTATION LAW IN RELATION TO THE
POWERS OF GAS AND ELECTRIC CORPORATIONS

WHEREAS, The Legislature of Rockland County wishes to express its support for New York Senate Bill S.1344, a bill that will prevent gas and electric companies from expanding transmission lines or electric generating facilities for lines and facilities originating outside of New York; and

WHEREAS, The power of eminent domain should be used to achieve public purposes that inure to the benefit of the State of New York; and

WHEREAS, Transmission and generation projects that originate outside the territorial limits of the United States do not sufficiently benefit the State of New York and do not sufficiently encourage employment opportunities or economic development within the State; and

WHEREAS, Such projects will (a) discourage re-powering of existing generating facilities within the State; (b) discourage the rebuilding of existing transmission lines in the State; and (c) discourage the building of new transmission and generating lines, including renewable resources, within the State; and

WHEREAS, Construction of and development of new and already existing facilities and infrastructure in New York State, rather than outside the Country, maximizes employment and economic development in New York State and our nation; and

WHEREAS, By importing power from outside the United States, our nation's dependency on foreign imports of energy is increased, and

WHEREAS, Senate Bill S.1344 would provide that:

(1) electric corporations that seek, through themselves or through one or more affiliated interests, to build or expand transmission lines connecting a location outside the territorial limits of the United States to a location within the State of New York, or

(2) electric corporations seeking to build or expand an electric facility outside the United States and inter-connecting to a location within the State of New York

shall not be afforded the power of eminent domain; and

WHEREAS, The Committee has met, considered and by a vote, approved this resolution; now therefore be it

RESOLVED, That the Legislature of Rockland County hereby requests that the New York State Senate pass Bill S.1344 – an Act to amend the Transportation Law in relation to the powers of gas and electric corporations that will prevent gas and electric companies from expanding transmission lines or electric generating facilities for lines and facilities originating outside of New York, that the New York State Assembly introduce and pass such legislation, and that the Governor of New York sign such legislation; and be it further

RESOLVED, that the Clerk to the Legislature be and he is hereby authorized and directed to send a copy of this resolution to Hon. Andrew M. Cuomo, Governor of the State of New York; Hon. David Carlucci, Hon. William J. Larkin, Jr., New York State Senators, Hon. Kenneth P. Zebrowski, Jr., Hon. Ellen C. Jaffee, Hon. James G. Skoufis, and Ann G. Rabbitt, Members of the New York State Assembly; the President Pro Tem of the New York State Senate; the Speaker of the New York State Assembly; the Majority and Minority Leaders of the New York State Senate and Assembly; and to such other persons as the Clerk, in his discretion, may deem proper in order to effectuate the purpose of this resolution.

LG3156

ELY

10/25/12

1/23/13



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Bill No.:
 Summary
 Actions
 Votes
 Memo
 Text (*Printer friendly text*)
S01344 Summary:

BILL NO S01344

SAME AS No same as

SPONSOR MAZIARZ

COSPNR RITCHIE, GRIFFO, KENNEDY, LARKIN, LIBOUS, O'MARA, RANZENHOFER, YOUNG

MLTSPNSR

Amd S11, Transp Corps L

Prevents gas and electric companies from expanding transmission lines or electric generating facilities for lines and facilities originating outside of New York.

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BILL NO S01344

01/09/2013 REFERRED TO ENERGY AND TELECOMMUNICATIONS

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S T A T E O F N E W Y O R K

1344

2013-2014 Regular Sessions

I N S E N A T E

(PREFILED)

January 9, 2013

Introduced by Sens. MAZIARZ, RITCHIE, KENNEDY, LARKIN, LIBOUS, RANZENHOFER -- read twice and ordered printed, and when printed to be committed to the Committee on Energy and Telecommunications

AN ACT to amend the transportation corporations law, in relation to the powers of gas and electric corporations

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

- 1 Section 1. Section 11 of the transportation corporations law is
- 2 amended by adding a new subdivision 8 to read as follows:

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3 8. SUBDIVISIONS THREE, THREE-A AND THREE-B OF THIS SECTION SHALL NOT
4 APPLY TO ANY ELECTRIC CORPORATION WHICH:

5 (A) SEEKS, THROUGH ITSELF, OR THROUGH ONE OR MORE AFFILIATED INTERESTS
6 AS DEFINED IN PARAGRAPH (C) OF THIS SUBDIVISION, TO EITHER BUILD A TRAN-
7 SMISION LINE OR TO EXPAND AN EXISTING TRANSMISSION LINE WHICH TRANS-
8 MISSION LINE ORIGINATES AT A LOCATION OUTSIDE OF THE TERRITORIAL LIMITS
9 OF THE UNITED STATES OF AMERICA AND EXTENDS TO A LOCATION WITHIN THE
10 STATE OF NEW YORK; OR

11 (B) SEEKS, THROUGH ITSELF, OR THROUGH ONE OR MORE AFFILIATED INTERESTS
12 AS DEFINED IN PARAGRAPH (C) OF THIS SUBDIVISION, TO EITHER BUILD AN
13 ELECTRIC GENERATING FACILITY, OR TO EXPAND AN EXISTING ELECTRIC GENERAT-
14 ING FACILITY THAT IS LOCATED OUTSIDE OF THE TERRITORIAL LIMITS OF THE
15 UNITED STATES OF AMERICA TOGETHER WITH BUILDING OR OTHERWISE UTILIZING
16 AN EXISTING ELECTRICAL INTERCONNECTION TO A POINT LOCATED WITHIN THE
17 STATE OF NEW YORK.

18 (C) FOR THE PURPOSES OF THIS SUBDIVISION, THE FOLLOWING TERMS SHALL
19 HAVE THE FOLLOWING MEANINGS:

20 I. "AFFILIATED INTERESTS" SHALL INCLUDE BUT NOT BE LIMITED TO, ANY
21 PERSON WHICH DIRECTLY, INDIRECTLY, OR CONSTRUCTIVELY:

22 A. CONTROLS ANOTHER PERSON;

23 B. IS CONTROLLED BY ANOTHER PERSON; OR

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

LBD02279-02-3

S. 1344

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1 C. IS, ALONG WITH ANOTHER PERSON, UNDER THE CONTROL OF A COMMON
2 PARENT.

3 II. "CONTROL" MEANS POSSESSION OF THE POWER TO DIRECT, OR CAUSE THE
4 DIRECTION OF, THE MANAGEMENT AND POLICIES OF ANOTHER PERSON.

5 III. "PERSON" MEANS ANY INDIVIDUAL, CORPORATION, PUBLIC BENEFIT CORPO-
6 RATION, POLITICAL SUBDIVISION, SOVEREIGN OR TRIBAL NATION, GOVERNMENT
7 AGENCY, MUNICIPALITY, PARTNERSHIP, CO-OPERATIVE ASSOCIATION, TRUST OR
8 ESTATE.

9 S 2. This act shall take effect immediately.

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DRAFT

Introduced by:
Hon. Alden H. Wolfe, Sponsor

Referral No.
, 2013

RESOLUTION NO. OF 2013
REQUESTING THAT THE NEW YORK STATE ASSEMBLY PASS BILL
A.1297 AND THE NEW YORK STATE SENATE PASS BILL S.1995 –
AN ACT ENACTING THE “ROCKLAND BERGEN BI-STATE WATERSHED
FLOOD PREVENTION AND PROTECTION ACT” AND CREATING THE
ROCKLAND BERGEN BI-STATE RIVER COMMISSION

WHEREAS, the Legislature of Rockland County wishes to express its support for New York State Assembly Bill A.1297 and New York State Senate Bill S. 1995 – an Act enacting The “Rockland Bergen Bi-State Watershed Flood Prevention And Protection Act” and creating the Rockland Bergen Bi-State River Commission; and

WHEREAS, the Legislature finds and declares that the States of New York and New Jersey and their respective citizens share a common concern to protect their personal safety and property through the identification and remediation of potential flood hazards along the Hackensack River, Sparkill Brook/Creek, Saddle River, Ramapo/Mahwah River, and their tributaries and watersheds; and

WHEREAS, because the Hackensack River, Sparkill Brook/Creek, Saddle River, Ramapo/Mahwah River, and their tributaries cross the interstate border region, the identification and remediation of potential flood hazards require a bi-state comprehensive approach; and

WHEREAS, a bi-state comprehensive flood prevention approach will also help ensure the preservation and maintenance of the environmental benefits of the Hackensack River, Sparkill Brook/Creek, Saddle River, Ramapo/Mahwah River, and their tributaries; and

WHEREAS, a bi-state approach will encourage open space preservation and recreational opportunities along the Hackensack River, Sparkill Brook/Creek, Saddle River, Ramapo/Mahwah River, and their tributaries; and

WHEREAS, there has been a long history of cooperation among state and local governmental entities and various private organizations and individuals in the vicinity of the Hackensack River, Sparkill Brook/Creek, Saddle River, Ramapo/Mahwah River, and their tributaries to ensure the preservation of those water bodies and watersheds; and

WHEREAS, the Legislature therefore determines that there is a need to endorse and formalize that bi-state cooperative effort to identify and remediate

potential flood hazards and to protect the natural, scenic and recreational opportunities of the Hackensack River, Sparkill Brook/Creek, Saddle River, Ramapo/Mahwah River and their tributaries; and that the creation of a bi-state commission is an appropriate means to accomplish these very important goals; and

WHEREAS, Bill A.1297 and S.1995 create an 18-member bi-state commission, to be known as the Rockland-Bergen Bi-State River Commission, the purpose of which would be to provide a means to effectively facilitate the cooperation of the governments of the States of New York and New Jersey to help ensure that the natural, scenic, and recreational resources of the Hackensack River, Sparkill Brook/Creek, Saddle River, Ramapo/Mahwah River, their tributaries and watersheds are protected from despoliation due to environmental and other threats from both sides of the border, so that the pristine beauty of the area will be preserved and maintained for the enjoyment and recreation of present and future generations, and to ensure the safety of the surrounding communities from flood hazards; and

WHEREAS the State of New Jersey has already enacted similar legislation creating the Rockland Bergen Bi-State River Commission, but the same measure has languished in Albany. The legislation was originally introduced in the 2009/2010 legislative session, but the bills failed to make it out of committee; it was re-introduced in both January of 2011 and 2012, but each time failed to make it out of committee. The legislation was now re-introduced on January 9, 2013; and

WHEREAS, the Committee has met, considered and by a vote, approved this resolution; now therefore be it

RESOLVED, that the Legislature of Rockland County hereby requests that the New York State Assembly pass New York State Assembly Bill A.1297 and the New York State Senate pass Bill S.1995 – an Act enacting the “Rockland Bergen Bi-State Watershed Flood Prevention And Protection Act” and creating the Rockland Bergen Bi-State River Commission, and that the Governor of New York sign such legislation; and be it further

RESOLVED, that the Clerk to the Legislature be and he is hereby authorized and directed to send a copy of this resolution to Hon. Andrew M. Cuomo, Governor of the State of New York; Hon. David Carlucci, Hon. William J. Larkin, Jr., New York State Senators, Hon. Kenneth P. Zebrowski, Jr., Hon. Ellen C. Jaffee, Hon. James G. Skoufis, and Ann G. Rabbitt, Members of the New York State Assembly; the President Pro Tem of the New York State Senate; the Speaker of the New York State Assembly; the Majority and Minority Leaders of the New York State Senate and Assembly; and to such other persons as the Clerk, in his discretion, may deem proper in order to effectuate the purpose of this resolution.



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A01297 Summary:

BILL NO A01297

SAME AS SAME AS S01995

SPONSOR Zebrowski (MS)

COSPNSR Jaffee, Rabbitt, Skoufis

MLTSPNSR

Enacts the "Rockland Bergen Bi-State Watershed Flood Prevention and Protection Act"; creates the twelve member Rockland Bergen Bi-State River Commission to identify and remediate the potential flood protection hazards along the tributaries and watersheds of the Hackensack River, Mahwah River, Ramapo River, Saddle River and Sparkill Brook/Creek that cross the interstate border region.

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A01297 Text:

S T A T E O F N E W Y O R K

1297

2013-2014 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 9, 2013

Introduced by M. of A. ZEBROWSKI, JAFFEE, RABBITT, SKOUFIS -- read once and referred to the Committee on Environmental Conservation

AN ACT enacting the "Rockland Bergen Bi-state watershed flood prevention and protection act" and creating the Rockland Bergen Bi-state River Commission

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

- 1 Section 1. This act shall be known and may be cited as the "Rockland
- 2 Bergen Bi-state watershed flood prevention and protection act".
- 3 S 2. The legislature finds and declares that the states of New York
- 4 and New Jersey and their respective citizens share a common concern to
- 5 protect their personal safety and property through the identification
- 6 and remediation of potential flood hazards along the tributaries and
- 7 watersheds of the Hackensack River, Mahwah River, Ramapo River, Saddle
- 8 River, and Sparkill Brook/Creek that cross the interstate border region.

9 The identification and remediation of potential flood hazards requires a
 10 bi-state comprehensive approach. A bi-state comprehensive flood
 11 prevention approach will also help ensure the preservation and mainte-
 12 nance of the environmentally beneficial impacts of the tributaries and
 13 watersheds of the Hackensack River, Mahwah River, Ramapo River, Saddle
 14 River, and Sparkill Brook/Creek. A bi-state approach will encourage
 15 open space and recreational opportunities along the tributaries and
 16 watersheds of the Hackensack River, Mahwah River, Ramapo River, Saddle
 17 River, and Sparkill Brook/Creek. The legislature further finds that
 18 there has been a long history of cooperation among state and local
 19 governmental entities and various private organizations and individuals
 20 in the vicinity of the tributaries and watersheds of the Hackensack
 21 River, Mahwah River, Ramapo River, Saddle River, and Sparkill
 22 Brook/Creek.

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

LBD00370-01-3

A. 1297

2

1 The legislature therefore determines that there is a need to endorse
 2 and formalize that bi-state cooperative effort to identify and remediate
 3 potential flood hazards and to protect the natural, scenic and recre-
 4 ational opportunities of the tributaries and watersheds of the Hacken-
 5 sack River, Mahwah River, Ramapo River, Saddle River, and Sparkill
 6 Brook/Creek. The legislature further determines that the creation of a
 7 bi-state commission is an appropriate means to accomplish these very
 8 important goals.

9 S 3. As used in this act, "Bi-state region" shall mean the tributaries
 10 and watersheds of the Hackensack River, Mahwah River, Ramapo River,
 11 Saddle River, and Sparkill Brook/Creek, within the counties of Rockland
 12 in New York and Bergen in New Jersey. "Resident voter" shall mean an
 13 individual registered to vote and who actually votes in an election
 14 district within the county of Rockland in New York or the county of
 15 Bergen in New Jersey.

16 S 4. a. There is hereby created the Rockland Bergen Bi-state river
 17 commission, which shall be comprised of twelve voting members. Six
 18 members of New York shall be appointed as follows: one each, by the
 19 governor, the temporary president of the senate, the speaker of the
 20 assembly, the minority leader of the senate, and the minority leader of
 21 the assembly, of New York, all of whom shall be resident voters of the
 22 county of Rockland, New York; and the commissioner of the New York state
 23 department of environmental conservation or a designee thereof, who
 24 shall serve ex officio. Six members of New Jersey shall be appointed as
 25 follows: one each, by the governor, the temporary president of the
 26 senate, the speaker of the assembly, the minority leader of the senate,
 27 and the minority leader of the assembly, of New Jersey, all of whom
 28 shall be resident voters from either the county of Bergen, Essex, or
 29 Hudson; and the commissioner of the New Jersey department of environ-
 30 mental protection or a designee thereof, who shall serve ex officio.
 31 Additionally, the commission shall include six non voting members, as
 32 follows: the commissioner of the New York state department of transpor-
 33 tation or a designee thereof, who shall serve ex officio; the commis-
 34 sioner of the New Jersey department of transportation or a designee
 35 thereof, who shall serve ex officio; the county executive of the county
 36 of Rockland in New York or a designee thereof who shall serve ex offi-
 37 cio; the county executive of the county of Bergen in New Jersey, or a
 38 designee thereof, who shall serve ex officio; a representative of United
 39 Water Inc. or its successor; and a representative of the United States
 40 army corps of engineers.

41 b. Vacancies in the appointed positions on the commission shall be
 42 filled in the same manner as the original appointments were made.

43 c. Members of the commission shall serve without compensation, but the
 44 commission may, within the limits of funds appropriated or otherwise
 45 made available to it, reimburse members for actual expenses necessarily
 46 incurred in the discharge of their official duties.

47 d. Members of the commission shall serve at the pleasure of the rele-

1 i. take such other action as may be appropriate or necessary to
2 further the purpose of this act.

3 S 7. The commission shall, within 18 months of the date it organizes,
4 and annually thereafter, prepare a progress report on its activities,
5 and submit it, together with any recommendations for legislation, admin-
6 istrative action, or action by local governments, to the governors and
7 legislatures of the states of New Jersey and New York.

8 S 8. The comptroller of the state of New Jersey and the comptroller of
9 the state of New York are hereby authorized and empowered from time to
10 time to examine the accounts and books of the commission, including its
11 receipts, disbursements, and such other items referring to its financial
12 standing as such comptrollers may deem proper and to report the results
13 of such examination to their respective governor and legislature.

14 S 9. This act shall take effect upon the enactment into law by the
15 state of New Jersey of legislation having substantially similar effect
16 with this act, but if the state of New Jersey shall have already enacted
17 such legislation, this act shall take effect immediately; provided that
18 the Rockland Bergen bi-state river commission shall notify the legisla-
19 tive bill drafting commission upon the occurrence of the enactment of
20 the legislation provided for in this act in order that the legislative
21 bill drafting commission may maintain an accurate and timely effective
22 data base of the official text of the laws of the state of New York in
23 furtherance of effecting the provisions of section 44 of the legislative
24 law and section 70-b of the public officers law.

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RESOLVED, that the Legislature of Rockland County hereby urges the United States House of Representatives to pass H.R. 712 to extend the authorization of the Highlands Conservation Act through fiscal year 2024; and be it further

RESOLVED, that the Clerk to the Legislature be and he is hereby authorized and directed to send a certified copy of this resolution to Hon. Barack H. Obama, President of the United States; Hon. Charles E. Schumer and Hon. Kirsten E. Gillibrand, United States Senators; Hon. Nita Lowey, Member of the United States Congress; the President Pro Tem of the United States Senate; the Speaker of the United States House of Representatives; the Majority and Minority Leaders of the United States Senate and House of Representatives; and to such other persons as the Clerk, in his discretion, may deem proper in order to effectuate the purpose of this resolution.

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2/27/13

HR 712 IH

113th CONGRESS

1st Session

H. R. 712

To extend the authorization of the Highlands Conservation Act through fiscal year 2024.

IN THE HOUSE OF REPRESENTATIVES**February 14, 2013**

Mr. FRELINGHUYSEN (for himself, Mr. FITZPATRICK, Mr. GERLACH, Mr. SEAN PATRICK MALONEY of New York, Mr. ENGEL, Mr. GARRETT, Mr. LANCE, and Mr. DENT) introduced the following bill; which was referred to the Committee on Natural Resources, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To extend the authorization of the Highlands Conservation Act through fiscal year 2024.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXTENSION OF HIGHLANDS CONSERVATION ACT.

(a) Extension of Land Conservation Projects in the Highlands Region- Section 4(e) of the Highlands Conservation Act (Public Law 108-421; 118 Stat. 2377) is amended by striking `2014' and inserting `2024'.

(b) Extension of Forest Service and USDA Programs in the Highlands Region- Section 5(c) of the Highlands Conservation Act (Public Law 108-421; 118 Stat. 2378) is amended by striking `2014' and inserting `2024'.

END

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Public Law 108-421
108th Congress

An Act

To assist the States of Connecticut, New Jersey, New York, and Pennsylvania in conserving priority lands and natural resources in the Highlands region, and for other purposes.

Nov. 30, 2004
[H.R. 1964]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Highlands
Conservation
Act.

SECTION 1. SHORT TITLE.

This Act may be cited as the “Highlands Conservation Act”.

SEC. 2. PURPOSES.

The purposes of this Act are—

(1) to recognize the importance of the water, forest, agricultural, wildlife, recreational, and cultural resources of the Highlands region, and the national significance of the Highlands region to the United States;

(2) to authorize the Secretary of the Interior to work in partnership with the Secretary of Agriculture to provide financial assistance to the Highlands States to preserve and protect high priority conservation land in the Highlands region; and

(3) to continue the ongoing Forest Service programs in the Highlands region to assist the Highlands States, local units of government, and private forest and farm landowners in the conservation of land and natural resources in the Highlands region.

SEC. 3. DEFINITIONS.

In this Act:

(1) **HIGHLANDS REGION.**—The term “Highlands region” means the area depicted on the map entitled “The Highlands Region”, dated June 2004, including the list of municipalities included in the Highlands region, and maintained in the headquarters of the Forest Service in Washington, District of Columbia.

(2) **HIGHLANDS STATE.**—The term “Highlands State” means—

- (A) the State of Connecticut;
- (B) the State of New Jersey;
- (C) the State of New York; and
- (D) the State of Pennsylvania.

(3) **LAND CONSERVATION PARTNERSHIP PROJECT.**—The term “land conservation partnership project” means a land conservation project—

- (A) located in the Highlands region;

(B) identified by the Forest Service in the Study, the Update, or any subsequent Pennsylvania and Connecticut Update as having high conservation value; and

(C) in which a non-Federal entity acquires land or an interest in land from a willing seller to permanently protect, conserve, or preserve the land through a partnership with the Federal Government.

(4) **NON-FEDERAL ENTITY.**—The term “non-Federal entity” means—

(A) any Highlands State; or

(B) any agency or department of any Highlands State with authority to own and manage land for conservation purposes, including the Palisades Interstate Park Commission.

(5) **STUDY.**—The term “Study” means the New York-New Jersey Highlands Regional Study conducted by the Forest Service in 1990.

(6) **UPDATE.**—The term “Update” means the New York-New Jersey Highlands Regional Study: 2002 Update conducted by the Forest Service.

(7) **PENNSYLVANIA AND CONNECTICUT UPDATE.**—The term “Pennsylvania and Connecticut Update” means a report to be completed by the Forest Service that identifies areas having high conservation values in the States of Connecticut and Pennsylvania in a manner similar to that utilized in the Study and Update.

SEC. 4. LAND CONSERVATION PARTNERSHIP PROJECTS IN THE HIGHLANDS REGION.

(a) **SUBMISSION OF PROPOSED PROJECTS.**—Each year, the governors of the Highlands States, with input from pertinent units of local government and the public, may—

(1) jointly identify land conservation partnership projects in the Highlands region from land identified as having high conservation values in the Study, the Update, or the Pennsylvania and Connecticut Update that shall be proposed for Federal financial assistance; and

(2) submit a list of those projects to the Secretary of the Interior.

Reports.

(b) **CONSIDERATION OF PROJECTS.**—Each year, the Secretary of the Interior, in consultation with the Secretary of Agriculture, shall submit to Congress a list of the land conservation partnership projects submitted under subsection (a)(2) that are eligible to receive financial assistance under this section.

Contracts.

(c) **ELIGIBILITY CONDITIONS.**—To be eligible for financial assistance under this section for a land conservation partnership project, a non-Federal entity shall enter into an agreement with the Secretary of the Interior that—

(1) identifies the non-Federal entity that shall own or hold and manage the land or interest in land;

(2) identifies the source of funds to provide the non-Federal share under subsection (d);

(3) describes the management objectives for the land that will ensure permanent protection and use of the land for the purpose for which the assistance will be provided;

(4) provides that, if the non-Federal entity converts, uses, or disposes of the land conservation partnership project for

a purpose inconsistent with the purpose for which the assistance was provided, as determined by the Secretary of the Interior, the United States—

(A) may seek specific performance of the conditions of financial assistance in accordance with paragraph (3) in Federal court; and

(B) shall be entitled to reimbursement from the non-Federal entity in an amount that is, as determined at the time of conversion, use, or disposal, the greater of—

(i) the total amount of the financial assistance provided for the project by the Federal Government under this section; or

(ii) the amount by which the financial assistance increased the value of the land or interest in land; and

(5) provides that land conservation partnership projects will be consistent with areas identified as having high conservation value in—

(A) the Important Areas portion of the Study;

(B) the Conservation Focal Areas portion of the Update;

(C) the Conservation Priorities portion of the Update;

(D) land identified as having higher or highest resource value in the Conservation Values Assessment portion of the Update; and

(E) land identified as having high conservation value in the Pennsylvania and Connecticut Update.

(d) **NON-FEDERAL SHARE REQUIREMENT.**—The Federal share of the cost of carrying out a land conservation partnership project under this section shall not exceed 50 percent of the total cost of the land conservation partnership project.

(e) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to the Secretary of the Interior \$10,000,000 for each of fiscal years 2005 through 2014, to remain available until expended.

SEC. 5. FOREST SERVICE AND USDA PROGRAMS IN THE HIGHLANDS REGION.

(a) **IN GENERAL.**—To meet the land resource goals of, and the scientific and conservation challenges identified in, the Study, Update, and any future study that the Forest Service may undertake in the Highlands region, the Secretary of Agriculture, acting through the Chief of the Forest Service and in consultation with the Chief of the National Resources Conservation Service, shall continue to assist the Highlands States, local units of government, and private forest and farm landowners in the conservation of land and natural resources in the Highlands region.

(b) **DUTIES.**—The Forest Service shall—

(1) in consultation with the Highlands States, undertake other studies and research in the Highlands region consistent with the purposes of this Act, including a Pennsylvania and Connecticut Update;

(2) communicate the findings of the Study and Update and maintain a public dialogue regarding implementation of the Study and Update; and

(3) assist the Highland States, local units of government, individual landowners, and private organizations in identifying

and using Forest Service and other technical and financial assistance programs of the Department of Agriculture.

(c) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to the Secretary of Agriculture to carry out this section \$1,000,000 for each of fiscal years 2005 through 2014.

SEC. 6. PRIVATE PROPERTY PROTECTION AND LACK OF REGULATORY EFFECT.

(a) **ACCESS TO PRIVATE PROPERTY.**—Nothing in this Act—

(1) requires a private property owner to permit public access (including Federal, State, or local government access) to private property; or

(2) modifies any provision of Federal, State, or local law with regard to public access to, or use of, private land.

(b) **LIABILITY.**—Nothing in this Act creates any liability, or has any effect on liability under any other law, of a private property owner with respect to any persons injured on the private property.

(c) **RECOGNITION OF AUTHORITY TO CONTROL LAND USE.**—Nothing in this Act modifies any authority of Federal, State, or local governments to regulate land use.

(d) **PARTICIPATION OF PRIVATE PROPERTY OWNERS.**—Nothing in this Act requires the owner of any private property located in the Highlands region to participate in the land conservation, financial, or technical assistance or any other programs established under this Act.

(e) **PURCHASE OF LAND OR INTERESTS IN LAND FROM WILLING SELLERS ONLY.**—Funds appropriated to carry out this Act shall be used to purchase land or interests in land only from willing sellers.

Approved November 30, 2004.

LEGISLATIVE HISTORY—H.R. 1964:

HOUSE REPORTS: No. 108-373, Pt. 1 (Comm. on Resources).

SENATE REPORTS: No. 108-376 (Comm. on Energy and Natural Resources).

CONGRESSIONAL RECORD:

Vol. 149 (2003): Nov. 21, considered and passed House.

Vol. 150 (2004): Oct. 10, considered and passed Senate, amended.

Nov. 17, House concurred in Senate amendment.

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Highlands Campaign

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The Highlands Conservation Act

The Highlands Conservation Act of 2004 recognized the four-state Highlands as a region of national importance. It also authorized up to \$100 million in land acquisition funding, and \$10 million in technical assistance funding over 10 years. Click here for the full text to the Highlands Conservation Act.

H.R. 1964 Highlands Conservation Act Summary

Purpose

- * To recognize the importance of the water, forest, agricultural, wildlife, recreational, and cultural resources of the Highlands region, and the national significance of the Highlands region to the United States;
- * To preserve and protect high priority conservation land in the Highlands by authorizing the Secretary of the Interior to work in partnership with the Secretary of Agriculture to provide financial assistance to the Highlands States;
- * To continue ongoing Forest Service programs to assist the Highlands States in the conservation of land and natural resources in the Highlands region.

Definition

- * Entities eligible to receive funding are any Highlands State – CT, NJ, NY, PA – or any agency or department within the four states that is authorized to own and manage land for conservation purposes;
- * Highlands region – map of Highlands lands prepared by the US Forest Service
- * Land Conservation Partnership Project means a project in the Highlands region, identified by the Forest Service in the Study, the Update, or any subsequent Pennsylvania and Connecticut Update as having high conservation value; and in which a non-Federal entity acquires land or an interest in land from a willing seller

Section 4 – Land Conservation Partnership Projects – \$100 million authorization over 10 yrs

- * Each year Governors of the four Highlands States may jointly submit a list of projects to the Secretary of the Interior from land identified as having high conservation value by the US Forest Service;
- * Secretary of Interior shall – in consultation with Sec of Agriculture – submit a list to Congress of projects submitted that are eligible to receive financial assistance;
- * If the land is converted for uses inconsistent with the purpose for which the assistance was provided, the Secretary may sue for specific performance and shall be entitled to reimbursement;
- * The Federal share of the cost of carrying out a land conservation partnership project under this section shall not exceed 50 percent of the total cost of the land conservation partnership project.

Section 5 – Forest Service Programs in the Highland region – \$10 million authorization over 10 yrs

- * The Forest Service shall undertake other studies and research in the Highlands region, communicate and maintain a public dialogue regarding the findings of the Study and Update, and assist the Highland States, local units of government, individual

DRAFT

Introduced by:
Hon. Harriet D. Cornell, Sponsor

Referral No. _____,
2013

**RESOLUTION NO. _____ OF 2013
SETTING A DATE FOR A PUBLIC HEARING:
A LOCAL LAW PROHIBITING THE TREATMENT OF HYDROFRACKING
WASTEWATER IN ANY WASTEWATER TREATMENT PLANT IN ROCKLAND
COUNTY AND THE USE OF HYDROFRACKING BRINE TO TREAT ROADS IN
ROCKLAND COUNTY**

WHEREAS, the _____ Committee has met, considered
and by a _____ vote approved this resolution, now therefore be it

RESOLVED, that this Legislature hereby sets the _____ day of
_____, 2013, at _____ P.M. for a public hearing to provide for a
local law prohibiting the treatment of hydrofracking wastewater in any wastewater
treatment plant in Rockland County and the use of hydrofracking brine to treat
roads in Rockland County.

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LOCAL LAW NO. OF 2013
COUNTY OF ROCKLAND
STATE OF NEW YORK

(Introduced by: Hon. Harriet D. Cornell)

A local law within the County of Rockland.

Be it enacted by the legislature of the county of Rockland as follows:

Section 1. Name of local law

This law shall be known as the "Keep Rockland Count Safe from Hydrofracking By-Products Act."

Section 2. Legislative intent.

The wastewater from the gas and oil extraction process known as hydraulic fracturing, or hydrofracking is known to contain numerous carcinogenic chemicals as well as many other hazardous compounds. Unable to treat this hazardous waste effectively, extractors frequently truck wastewater to municipal wastewater treatment plants that are unable to effectively treat and remove many of the hazardous chemicals. Many municipalities have passed legislation banning hydrofracking wastewater from their wastewater treatment plants due to the potentially damaging impact of the waste on the plant infrastructure and equipment and because the plants are not equipped to adequately treat the waste.

Further, the brine from hydrofracking, water that has been trapped in the shale for thousands of years, is sold to municipalities as a deicing fluid and to control dust on roadways. In addition to extremely high levels of sodium, which is hazardous to drinking supplies, this brine has also been found to contain high levels of radioactive compounds. Many municipalities have banned the use of hydrofracking brine on their roads.

The Rockland County legislature believes that the treatment of hydrofracking wastewater in any (public or private) wastewater treatment plant in Rockland County should be prohibited and the use of hydrofracking brine to treat roads should be banned in Rockland County.

Section 3. Definitions.

As used in this article, the following terms shall have the meanings indicated:

- A. COUNTY** – The County of Rockland, New York.
- B. HYDRAULIC FRACTURING** - the fracturing of shale formations by man-made fluid-driven techniques for the purpose of stimulating natural gas or other subsurface hydrocarbon production.
- C. NATURAL GAS EXTRACTION ACTIVITIES** - all geologic or geophysical activities related to the exploration for or extraction of natural gas or other subsurface hydrocarbon deposits, including, but not limited to, core and rotary drilling and hydraulic fracturing.
- D. NATURAL GAS WASTE** - shall mean any waste that is generated as a result of natural gas extraction activities, which may consist of water, chemical additives, or naturally occurring radioactive materials (“NORMs”) and heavy metals. Natural gas waste includes, but is not limited to, leachate from solid wastes associated with natural gas extraction activities.
- E. APPLICATION** - shall mean the physical act of placing or spreading natural gas waste on any road or real property located within the County of Rockland.

Section 4. Prohibitions.

- A.** The introduction of natural gas waste into any wastewater treatment facility within or operated by the County is prohibited.
- B.** The sale of natural gas waste within the County is prohibited.
- C.** The application of natural gas waste on any road or real property located within the County is prohibited.

Section 5. Provision to be included in bids and contracts related to the construction or maintenance of County roads.

- A.** All bids and contracts related to the purchase or acquisition of materials to be used to construct or maintain a County road shall include a provision stating that no materials containing natural gas waste shall be provided to the County.

- B. All bids and contracts related to the retention of services to construct or maintain a County road shall include a provision stating that no materials containing natural gas waste shall be utilized in providing such a service.

Section 6. Duty of Employees to be familiar with this Chapter.

The County Executive or, at the County Executive's option, any Department head or commissioner appointed by the County Executive is authorized to develop policies to ensure county employees are familiar with the provisions of this Chapter and take such steps as are directed by the County Executive or such department head or commissioner to ensure a diligent effort by the County that materials supplied to the County or used on County roads or property comply with this law. This Section shall not excuse non-compliance by a contractor or vendor of the County.

Section 7. Penalties.

This law shall apply to any and all actions occurring on or after the effective date of this law. Any violation of Section ____ of this Chapter shall be an unclassified misdemeanor punishable by a fine not to exceed \$25,000.00 per violation and/or up to thirty days' imprisonment. Each sale and/or application of natural gas waste shall constitute a separate and distinct violation.

Section 8. Severability.

If any clause, sentence, paragraph, subdivision, section or part of this local law or the application thereof to any person, individual, corporation, firm, partnership, entity or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, effect or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part of this law or in its application to the person, individual, corporation, firm, partnership, entity or circumstance directly involved in the controversy in which such order or judgment shall be rendered.

Section 9. Effective date.

This local law shall take effect sixty days after it is filed with the New York State Department of State.

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