

109TH CONGRESS  
2D SESSION

# S. 2297

To clarify the applicability of deadlines relating to construction of hydroelectric projects to certain hydroelectric projects located or proposed to be located on the Upper Hudson River in the State of New York.

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IN THE SENATE OF THE UNITED STATES

FEBRUARY 16, 2006

Mr. SCHUMER introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

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## A BILL

To clarify the applicability of deadlines relating to construction of hydroelectric projects to certain hydroelectric projects located or proposed to be located on the Upper Hudson River in the State of New York.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. CONSTRUCTION OF HYDROELECTRIC**  
4 **PROJECTS.**

5 (a) DEFINITIONS.—In this section:

6 (1) HUDSON RIVER PCB SITE.—The term  
7 “Hudson River PCB site” means the site identified  
8 as No. NYD980763841 and located along the Hud-

1 son River in the State of New York that was added  
2 to the National Priorities List on September 21,  
3 1984.

4 (2) HYDROELECTRIC PROJECT.—The term “hy-  
5 droelectric project” means a hydroelectric project  
6 that is—

7 (A) licensed by the Federal Energy Regu-  
8 latory Commission on or after September 21,  
9 1984; and

10 (B) located or proposed to be located on  
11 the Upper Hudson River, between Hudson  
12 Falls and Federal Dam at Troy, New York, in  
13 the area of the Hudson River PCB site that has  
14 been targeted for dredging of approximately  
15 2,650,000 cubic yards of PCB-contaminated  
16 sediment.

17 (3) NATIONAL PRIORITIES LIST.—The term  
18 “National Priorities List” means the list of sites de-  
19 veloped by the President in accordance with section  
20 105(a)(8)(B) of the Comprehensive Environmental  
21 Response, Compensation, and Liability Act of 1980  
22 (42 U.S.C. 9605(a)(8)(B)).

23 (b) APPLICABILITY OF CONSTRUCTION DEAD-  
24 LINES.—The time periods specified in section 13 of the  
25 Federal Power Act (16 U.S.C. 806) for commencement

1 and completion of construction of a hydroelectric project,  
2 and any corresponding time period contained in a license  
3 for the hydroelectric project, shall not begin to run until  
4 the date on which the Hudson River PCB site, or the por-  
5 tion of the Hudson River PCB site on which the hydro-  
6 electric project is located or proposed to be located, has  
7 been—

8 (1) removed from the National Priorities List;  
9 or

10 (2) otherwise approved for use for construction  
11 of the hydroelectric project by the Administrator of  
12 the Environmental Protection Agency.

13 (c) ORDERS OF FERC.—An order of the Federal En-  
14 ergy Regulatory Commission that is issued before the date  
15 of enactment of this Act that addresses a deadline that,  
16 in accordance with subsection (b), has not yet begun to  
17 run, shall be considered to be void and of no legal effect  
18 with respect to any failure by a licensee to meet the dead-  
19 line.

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