

10585--A

I N A S S E M B L Y

June 7, 2012

Introduced by COMMITTEE ON RULES -- (at request of M. of A. Sweeney, Jaffee, Weisenberg, Colton, Lifton, Lupardo, Schimel, Zebrowski, Cahill, Englebright, Galef, Magnarelli, Millman, Benedetto, Castro, Cook, Kellner, Lavine, Linares, M. Miller, P. Rivera, N. Rivera, Roberts, Rosenthal, Saladino, Ramos, Abinanti, Hooper, Stevenson, Weprin, Clark, Castelli, Boyland, Brennan, Curran, Cymbrowitz, Gabryszak, Glick, Gottfried, Jacobs, Katz, Latimer, Lentol, Markey, McDonough, McEneny, Nolan, Paulin, Perry, Robinson, Thiele) -- read once and referred to the Committee on Environmental Conservation -- reported and referred to the Committee on Rules -- Rules Committee discharged, bill amended, ordered reprinted as amended and recommitted to the Committee on Rules

AN ACT to amend the environmental conservation law, in relation to creating the sewage pollution right to know act

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 "sewage  
2 pollution right to know act".  
3 S 2. The environmental conservation law is amended by adding a new  
4 section 17-0826-a to read as follows:  
5 S 17-0826-A. MANDATORY SEWAGE RELEASE REPORTING AND NOTIFICATION BY  
6 PUBLICLY OWNED TREATMENT WORKS AND OPERATORS OF PUBLICLY  
7 OWNED SEWER SYSTEMS.  
8 1. PUBLICLY OWNED TREATMENT WORKS OR THE OPERATOR OF A PUBLICLY OWNED  
9 SEWER SYSTEM SHALL IMMEDIATELY, BUT IN NO CASE LATER THAN TWO HOURS  
10 AFTER DISCOVERY, REPORT DISCHARGES OF UNTREATED OR PARTIALLY TREATED  
11 SEWAGE, INCLUDING COMBINED SEWER OVERFLOWS, EXCEPT PARTIALLY TREATED  
12 SEWAGE DISCHARGED DIRECTLY FROM A PUBLICLY OWNED TREATMENT WORKS THAT IS  
13 IN COMPLIANCE WITH A DEPARTMENT APPROVED PLAN OR PERMIT, TO THE DEPART-  
14 MENT AND THE LOCAL HEALTH DEPARTMENT, OR IF THERE IS NONE, THE NEW YORK  
15 STATE HEALTH DEPARTMENT. SUCH REPORT SHALL, AT A MINIMUM, INCLUDE, TO  
16 THE EXTENT KNOWABLE WITH EXISTING SYSTEMS AND MODELS:  
17 (A) THE VOLUME AND TREATED STATE OF THE DISCHARGE;  
18 (B) THE DATE AND TIME OF THE DISCHARGE;

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

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1 (C) THE EXPECTED DURATION OF THE DISCHARGE;

2 (D) A BRIEF DESCRIPTION OF THE STEPS BEING TAKEN TO CONTAIN THE  
3 DISCHARGE EXCEPT FOR WET WEATHER COMBINED SEWER OVERFLOW DISCHARGES;

4 (E) THE LOCATION OF THE DISCHARGE, WITH THE MAXIMUM LEVEL OF SPECIFIC-  
5 ITY POSSIBLE; AND

6 (F) THE REASON FOR THE DISCHARGE.

7 2. IN ADDITION TO SUBDIVISION ONE OF THIS SECTION, AS SOON AS POSSI-  
8 BLE, BUT NO LATER THAN FOUR HOURS FROM DISCOVERY OF THE DISCHARGE, THE  
9 PUBLICLY OWNED TREATMENT WORKS OR THE OPERATOR OF A PUBLICLY OWNED SEWER  
10 SYSTEM SHALL NOTIFY THE LOCAL HEALTH DEPARTMENT OR IF THERE IS NONE, THE  
11 NEW YORK STATE HEALTH DEPARTMENT, THE CHIEF ELECTED OFFICIAL OR THEIR  
12 AUTHORIZED DESIGNEE OF THE MUNICIPALITY IN WHICH THE DISCHARGE OCCURRED  
13 AND THE CHIEF ELECTED OFFICIAL OR THEIR AUTHORIZED DESIGNEE OF ANY  
14 ADJOINING MUNICIPALITY THAT MAY BE AFFECTED. THE SAME NOTIFICATION SHALL  
15 ALSO BE PROVIDED WITHIN THE SAME TIMEFRAME TO THE GENERAL PUBLIC, PURSU-  
16 ANT TO REGULATIONS TO BE PROMULGATED UNDER SUBDIVISION FOUR OF THIS  
17 SECTION THROUGH APPROPRIATE ELECTRONIC MEDIA, INCLUDING, BUT NOT LIMITED  
18 TO, ELECTRONIC MAIL OR VOICE COMMUNICATION AS DETERMINED BY THE DEPART-  
19 MENT.

20 3. THE DEPARTMENT, IN CONSULTATION WITH THE DEPARTMENT OF HEALTH,  
21 SHALL POST REPORTED INFORMATION ON ITS WEBSITE EXPEDITIOUSLY AND SHALL  
22 PREPARE A REPORT ON PUBLICLY OWNED TREATMENT WORKS AND SEWER SYSTEM  
23 DISCHARGES ANNUALLY. THE REPORT SHALL, AT A MINIMUM, INCLUDE: THE TOTAL  
24 NUMBER OF DISCHARGES, DETAILS OF SUCH DISCHARGES INCLUDING THE VOLUME  
25 AND TREATED STATE OF THE DISCHARGE, AND THE DURATION AND LOCATION OF  
26 EACH DISCHARGE; AS WELL AS ANY REMEDIAL RESPONSES TAKEN TO MITIGATE  
27 IMPACTS AND AVOID FURTHER DISCHARGES.

28 4. THE DEPARTMENT SHALL PROMULGATE RULES AND REGULATIONS THAT ARE  
29 NECESSARY FOR THE IMPLEMENTATION OF THIS SECTION. SUCH REGULATIONS AS  
30 ARE NECESSARY FOR THE IMPLEMENTATION OF THE PUBLIC NOTIFICATION REQUIRE-  
31 MENTS OF SUBDIVISION TWO OF THIS SECTION SHALL PROVIDE ONLY FOR PUBLIC  
32 NOTIFICATION OF DISCHARGES THAT MAY PRESENT A THREAT TO PUBLIC HEALTH,  
33 CONSIDERING THE POTENTIAL FOR EXPOSURE AND OTHER RELEVANT FACTORS. SUCH  
34 REGULATIONS MAY ALSO INCLUDE PRECONDITIONS FOR NOTIFICATION OF ANY  
35 DISCHARGE THAT IS NOT SUBJECT TO A PERMIT ISSUED UNDER THIS TITLE AND  
36 DOES NOT PRESENT A THREAT TO PUBLIC HEALTH, CONSIDERING THE POTENTIAL  
37 FOR EXPOSURE AND OTHER RELEVANT FACTORS.

38 S 3. This act shall take effect May 1, 2013. Effective immediately,  
39 the department of environmental conservation is authorized to promulgate  
40 rules and regulations, as authorized by subdivision 4 of section  
41 17-0826-a of the environmental conservation law as added by section two  
42 of this act, necessary for the timely implementation of this act on its  
43 effective date.