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

5956

2013-2014 Regular Sessions

I N S E N A T E

October 16, 2013

Introduced by Sen. LAVALLE -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

AN ACT to establish the "Long Island water pollution control act"; and to amend the environmental conservation law, in relation to establishing the Long Island water quality commission

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

Section 1. This act shall be known and may be cited as the "Long Island water pollution control act".

S 2. Legislative intent. Long Island's water resources are unique in the region, unusual in the nation, and of exceptional importance to the state of New York because of the economic, environmental and public health values that Long Island's water resources provide to the millions of people who live and recreate on Long Island.

Long Island has been designated as a federal sole source aquifer; nine special groundwater protection areas have been established across the region; and three estuary based watershed planning efforts have been created - in the Peconic Bay, the Long Island Sound, and the state-designated South Shore Estuary Reserve.

In spite of these designations and other planning efforts, Long Island's water resources have continued to be impacted by increasing quantities of nutrients, pathogens, pesticides, volatile organic contaminants and saltwater intrusion, as well as a number of emerging threats such as prescription drugs and sea level rise.

In response to these environmental impacts, the region has already experienced an increasing number of harmful algal blooms and other documented declines in key biological indicators which demonstrate continued and increasing stress on the region's groundwater resources and coastal ecosystems.

Continued water quality and coastal habitat decline, will result in more harmful algal blooms, shellfishing closures, beach closures, and

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

LBD11505-02-3

fishing restrictions, along with the further contamination of private and public wells. These impacts will inevitably have significant negative effects on the tourism economy of Long Island--and on the quality of life and public health for the millions of residents of the region.

S 3. Article 15 of the environmental conservation law is amended by adding a new title 35 to read as follows:

TITLE 35

LONG ISLAND WATER QUALITY COMMISSION

SECTION 15-3501. LONG ISLAND WATER QUALITY COMMISSION.
15-3503. LONG ISLAND CLEAN WATER QUALITY AND PROTECTION PLAN.
15-3505. IMPLEMENTATION OF THE LONG ISLAND CLEAN WATER QUALITY AND PROTECTION PLAN.
15-3507. STATE OF THE AQUIFER REPORT.
15-3509. GROUNDWATER STANDARDS.

S 15-3501. LONG ISLAND WATER QUALITY COMMISSION.

1. THERE IS HEREBY ESTABLISHED THE LONG ISLAND WATER QUALITY COMMISSION TO PROVIDE INPUT ON THE DEVELOPMENT AND TO MANAGE AND OVERSEE THE IMPLEMENTATION OF THE LONG ISLAND CLEAN WATER QUALITY AND PROTECTION PLAN ESTABLISHED PURSUANT TO SECTION 15-3503 OF THIS TITLE.

2. FOR THE PURPOSE OF THIS TITLE, THE TERM "COMMISSION" SHALL MEAN THE LONG ISLAND WATER QUALITY COMMISSION AND "PLAN" SHALL MEAN THE "LONG ISLAND CLEAN WATER QUALITY AND PROTECTION PLAN".

3. THE COMMISSION SHALL CONSIST OF THE FOLLOWING ELEVEN MEMBERS: TWO APPOINTED BY THE GOVERNOR; ONE APPOINTED BY THE SENATE; ONE APPOINTED BY THE SPEAKER OF THE ASSEMBLY; THE NASSAU COUNTY EXECUTIVE OR HIS OR HER DESIGNEE; THE SUFFOLK COUNTY EXECUTIVE OR HIS OR HER DESIGNEE; THE PRESIDING OFFICER OF THE NASSAU COUNTY LEGISLATURE OR HIS OR HER DESIGNEE; THE PRESIDING OFFICER OF THE SUFFOLK COUNTY LEGISLATURE OR HIS OR HER DESIGNEE; THE CHAIR OF THE CITIZENS ADVISORY COMMITTEE; THE CHAIR OF THE TECHNICAL ADVISORY COMMITTEE; AND THE CHAIR OF THE LOCAL GOVERNMENT COMMITTEE.

4. THE LOCAL GOVERNMENT COMMITTEE SHALL CONSIST OF THE FOLLOWING MEMBERS: THIRTEEN TOWN SUPERVISORS OR THEIR DESIGNEES, REPRESENTING TOWNS FROM LONG ISLAND; TWO MAYORS OR THEIR DESIGNEES REPRESENTING ALL CITIES ON LONG ISLAND, TWO MAYORS OR THEIR DESIGNEES SELECTED BY THE NASSAU COUNTY VILLAGE OFFICIALS ASSOCIATION AND TWO MAYORS OR THEIR DESIGNEES SELECTED FROM THE SUFFOLK COUNTY VILLAGE OFFICIALS ASSOCIATION.

5. THE CITIZEN ADVISORY COMMITTEE SHALL CONSIST OF THE FOLLOWING MEMBERS: THE LONG ISLAND ASSOCIATION, THE NATURE CONSERVANCY, THE ASSOCIATION OF MARINE INDUSTRIES, THE LONG ISLAND BUILDERS INSTITUTE, THE LONG ISLAND FARM BUREAU, THE CITIZENS CAMPAIGN FOR THE ENVIRONMENT, THE LONG ISLAND COUNCIL OF CHURCHES, THE GROUP FOR THE EAST END, THE LONG ISLAND LIQUID WASTE ASSOCIATION, THE LONG ISLAND PINE BARRENS SOCIETY, THE PECONIC BAYKEEPER, THE NASSAU COUNTY LEAGUE OF WOMEN VOTERS, THE SUFFOLK COUNTY LEAGUE OF WOMEN VOTERS, THE NORTH SHORE LAND ALLIANCE, FRIENDS OF THE BAY, THE GREAT SOUTH BAY BAYMAN'S ASSOCIATION, HEMPSTEAD HARBOR PROTECTION COMMITTEE, OPERATION SPLASH, THE LONG ISLAND CONVENTION AND VISITOR'S BUREAU, AND THE HAUPPAUGE INDUSTRIAL ASSOCIATION. IN ADDITION, EACH TOWN BOARD ON LONG ISLAND MAY SELECT TWO APPOINTEES, FOR A MAXIMUM NUMBER OF FORTY-SEVEN APPOINTMENTS.

6. THE TECHNICAL ADVISORY COMMITTEE SHALL CONSIST OF THE FOLLOWING MEMBERS; THE DEPARTMENT, THE SUFFOLK COUNTY DEPARTMENTS OF HEALTH, PUBLIC WORKS AND ECONOMIC DEVELOPMENT AND PLANNING, THE NASSAU COUNTY DEPARTMENTS OF HEALTH, PLANNING, AND PUBLIC WORKS, NEW YORK STATE SEA GRANT, THE SUFFOLK COUNTY WATER AUTHORITY, THE LONG ISLAND WATER CONFER-

ENCE, THE STATE UNIVERSITY OF NEW YORK SCHOOL OF MARINE AND ATMOSPHERIC SCIENCE, AND THE NY INSTITUTE OF TECHNOLOGY CENTER OF ENERGY, ENVIRONMENT AND ECONOMICS. THE COMMISSION SHALL REQUEST THE PARTICIPATION OF THE DIRECTOR OF REGION TWO OF THE FEDERAL ENVIRONMENTAL PROTECTION AGENCY AND THE DIRECTOR OF THE UNITED STATES GEOLOGICAL SURVEY NEW YORK WATER SCIENCE CENTER, BOTH OF WHOM MAY APPOINT A DESIGNEE.

7. THE COMMISSION SHALL PREPARE AN ANNUAL REPORT ASSESSING AND EVALUATING THE IMPLEMENTATION OF THE PLAN, AND CONDUCT ANNUAL PUBLIC HEARINGS TO TAKE INPUT ON THE IMPLEMENTATION AND OUTCOMES OF THE PLAN AND/OR ANY OTHER WATER QUALITY ISSUES FACING THE REGION OVER TIME. THE COMMISSION SHALL ALSO DEVELOP AND ADOPT WATER QUALITY STANDARDS AND REGULATIONS AS NECESSARY TO IMPLEMENT THE OUTCOMES OF THE PLAN.

S 15-3503. LONG ISLAND CLEAN WATER QUALITY AND PROTECTION PLAN.

1. WITHIN TWO YEARS, THE DEPARTMENT SHALL PREPARE A COMPREHENSIVE CLEAN WATER QUALITY AND PROTECTION PLAN TO ADDRESS BOTH RESTORATION AND PROTECTION MEASURES FOR SURFACE WATER AND GROUNDWATER RESOURCES. SUCH PLAN SHALL BE SUBJECT TO PUBLIC HEARING, ADOPTED BY THE COMMISSION, AND FULLY IMPLEMENTED WITHIN SEVEN YEARS OF THE EFFECTIVE DATE OF THIS TITLE AND SHALL INCLUDE:

(A) A COMPREHENSIVE GROUNDWATER AND SURFACE WATER QUALITY ASSESSMENT AND A RESTORATION AND POLLUTION REDUCTION PLAN FOR LONG ISLAND THAT RECOGNIZES AND MANAGES FOR THE INTEGRATED PROTECTION AND RESTORATION OF BOTH GROUNDWATER AND SURFACE WATER RESOURCES.

(I) THE PLAN SHALL EXPLICITLY IDENTIFY, PRIORITIZE AND ADDRESS THE TREATMENT AND POLLUTION PREVENTION MEASURES NECESSARY TO PROTECT AND RESTORE THE DECLINING QUALITY OF LONG ISLAND'S WATER RESOURCES.

(II) THE PLAN SHALL PROVIDE MEASURABLE AND ENFORCEABLE GROUNDWATER QUALITY CRITERIA AND STANDARDS THAT ENSURE THE LONG-TERM PROTECTION OF PUBLIC AND PRIVATE DRINKING WATER SUPPLIES, AS WELL AS A REGIONAL SURFACE WATER QUALITY SUFFICIENT TO PROPAGATE THRIVING POPULATIONS OF FISH, SHELLFISH, AND WATER-DEPENDENT WILDLIFE, AND VIBRANT PUBLIC RECREATIONAL OPPORTUNITIES BOTH IN AND ON THE WATER.

(III) THE PLAN SHALL INCLUDE AN EVALUATION OF HOW EXISTING AND FUTURE HUMAN DEVELOPMENT ACTIVITY AND REGIONAL WATER QUALITY TRENDS CAN BE EXPECTED TO IMPACT LONG ISLAND'S WATER RESOURCES, AND WATER-DEPENDENT ECOSYSTEMS OVER TIME. SUCH INFORMATION SHALL BE USED TO GUIDE THE AMOUNT AND TYPE OF HUMAN DEVELOPMENT ACTIVITY, THE CORRECTIVE MEASURES, AND THE WATER QUALITY INFRASTRUCTURE NEEDED TO PROTECT LONG ISLAND'S DRINKING WATER, COASTAL ENVIRONMENTS, AND LIVING RESOURCES WHILE STILL MAINTAINING OR IMPROVING EXISTING GROUND AND SURFACE WATER QUALITY, AND PROTECTING UNIQUE ECOLOGICAL FEATURES.

(IV) NOTHING IN THE PLAN SHALL IMPACT ESTABLISHED DRINKING WATER QUALITY STANDARDS OR THE REGULAR OPERATIONS AND MANAGEMENT REQUIREMENTS OF ANY EXISTING PUBLIC WATER SUPPLIER;

(B) DESIGNATION OF SPECIFIC AREAS SUITABLE AND APPROPRIATE FOR PUBLIC ACQUISITION;

(C) DESIGNATION OF HIGH PRIORITY WATER QUALITY AREAS FOR WHICH FURTHER DEGRADATION SHALL NOT BE PERMITTED;

(D) RECOMMENDATIONS AND COMPLIANCE REQUIREMENTS TO ENSURE THE CONTINUED, UNIFORM, CONSISTENT IMPLEMENTATION OF THE PLAN BY LOCAL GOVERNMENTS;

(E) A LOCAL PARTICIPATION PLAN, WHICH DESCRIBES HOW LOCAL CITIZENS, OFFICIALS AND MEMBERS OF THE TOURISM, AGRICULTURAL AND FISHING INDUSTRIES WILL PARTICIPATE IN THE PLANNING AND IMPLEMENTATION OF THE WATER QUALITY MANAGEMENT PROGRAM AND WHICH CONTAINS A STATEMENT IDENTIFYING SUPPORT FOR SUCH PROGRAM BY THE PARTICIPATING LOCAL GOVERNMENTS; AND

(F) A FINANCIAL ASSESSMENT ESTIMATING THE NECESSARY COSTS AND POTENTIAL FUNDING SOURCES TO CARRY OUT RECOMMENDATIONS IN THE PLAN OVER A FIVE-YEAR PERIOD AND EVALUATE THE BENEFITS THEREFROM.

2. WITHIN TWO YEARS, THE DEPARTMENT SHALL ESTABLISH LOCAL AND SUB-REGIONAL WATER QUALITY PROTECTION GOALS AND INTERIM REGULATORY REQUIREMENTS NECESSARY TO MEET DEFINED WATER QUALITY IMPROVEMENT GOALS.

3. WITHIN THREE YEARS, THE DEPARTMENT SHALL ESTABLISH WASTEWATER TREATMENT REQUIREMENTS THAT MANDATE THE USE OF NITROGEN-REDUCING TECHNOLOGIES THAT MEET OR EXCEED THE NATIONAL SANITARY FOUNDATION STANDARD 245 SPECIFICATIONS FOR ALL NEW CONSTRUCTION AND RECONSTRUCTION, AND FOR THE REMOVAL AND UPGRADE OF CURRENT ON-SITE SEPTIC SYSTEMS IN ALL AREAS WITHIN ONE THOUSAND FEET TO SURFACE WATERS, TIDAL AND FRESHWATER WETLANDS AND PUBLIC SUPPLY WELLS. THE DEPARTMENT SHALL ALSO DEFINE MAXIMUM NITROGEN CONCENTRATION LIMITS FOR REGIONAL SURFACE AND GROUND WATERSHEDS ON LONG ISLAND, AND DEVELOP WATER QUALITY STANDARDS THAT ACHIEVE BOTH ON-SITE AND REGIONAL NITROGEN REDUCTION GOALS DEFINED IN THE PLAN. IMPLEMENTATION OF SUCH REQUIREMENTS SHALL BE DELEGATED TO THE APPROPRIATE LOCAL OR REGIONAL WASTEWATER MANAGEMENT AUTHORITY AND SUBJECT TO A BIENNIAL EVALUATION BY THE DEPARTMENT. THE DEPARTMENT SHALL PREPARE AND SUBMIT A COMPLIANCE REPORT TO THE COMMISSION, WHICH SHALL BE MADE FULLY AVAILABLE TO THE PUBLIC. THE DEPARTMENT SHALL HAVE THE RIGHT TO AMEND OR RESCIND ANY DELEGATED WASTEWATER AUTHORITY TO ASSURE COMPLIANCE WITH ESTABLISHED WASTEWATER MANAGEMENT STANDARDS OR REQUIREMENTS. THE DEPARTMENT SHALL WORK WITH DELEGATED WASTEWATER AUTHORITIES TO ACHIEVE THE HIGHEST DEGREE OF WATER QUALITY COMPLIANCE CONSISTENT WITH THE GOALS OF THE PLAN.

4. WITHIN FOUR YEARS THE DEPARTMENT SHALL IDENTIFY THOSE UNSEWERED AREAS MOST IN NEED OF ADVANCED TREATMENT WASTEWATER MANAGEMENT TECHNOLOGY AND PROMULGATE RULES AND REGULATIONS NECESSARY TO MAXIMIZE THE PHASE-OUT, AND/OR INCENTIVIZED RETIREMENT AND REPLACEMENT OF SUCH ON-SITE SYSTEMS OVER THE NEXT DECADE. IN ADDITION, THE DEPARTMENT SHALL ALSO IMPLEMENT CHANGES IN NITROGEN AND PESTICIDE APPLICATION AND MANAGEMENT PRACTICES TO MINIMIZE GROUNDWATER CONTAMINATION.

5. WITHIN FIVE YEARS THE DEPARTMENT SHALL DEVELOP SPECIFIC CLEAN WATER HANDLING AND MANAGEMENT GUIDELINES AND PUBLIC INFORMATION PROGRAMS TO MINIMIZE THE CONTAMINATION OF WATERS BY PHARMACEUTICALS, HOUSEHOLD TOXIC AND VOLATILE ORGANIC COMPOUNDS.

S 15-3505. IMPLEMENTATION OF THE LONG ISLAND CLEAN WATER QUALITY AND PROTECTION PLAN.

WITHIN SIX MONTHS AFTER THE PLAN HAS BEEN ADOPTED BY THE COMMISSION, EACH COUNTY LEGISLATURE, CITY COUNCIL, TOWN BOARD, VILLAGE BOARD, HEALTH DEPARTMENT OR WATER QUALITY MANAGEMENT AGENCY (WITH PERMITTING AUTHORITY) ON LONG ISLAND SHALL ADOPT AND AMEND AS NECESSARY LAND USE, ZONING, AND ENGINEERING SPECIFICATIONS, BY LOCAL LAW, ORDINANCE, RULE OR REGULATION TO CONFORM THEIR LAND USE AND WATER QUALITY REGULATIONS TO THE PLAN. SUCH ACTIONS SHALL BE COLLECTIVELY COORDINATED AND IDENTIFIED AS EACH JURISDICTION'S OR WATER QUALITY MANAGEMENT AUTHORITY'S "LOCAL WATER QUALITY PLAN".

1. AT LEAST THIRTY DAYS BEFORE ADOPTION THEREOF, THE TOWN OR VILLAGE BOARD, OR WATER QUALITY MANAGEMENT AGENCY SHALL SUBMIT ITS PROPOSED LOCAL WATER QUALITY PROTECTION PLAN TO THE COMMISSION FOR ITS REVIEW AND APPROVAL.

2. WITHIN THIRTY DAYS OF RECEIPT OF SUCH LOCAL WATER QUALITY PLAN THE COMMISSION SHALL REVIEW AND APPROVE SUCH PLAN, OR IF IT DOES NOT APPROVE THEM, RETURN THEM WITH COMMENTS ON WHAT REVISIONS NEED TO BE MADE. FOR EACH JURISDICTION, CONSISTENCY WITH THE PLAN SHALL BE DEEMED TO BE

IMPLEMENTED UPON ADOPTION BY THE TOWN OR VILLAGE BOARD OF APPROVED LAND USE REGULATIONS.

3. THE INTERIM REGULATIONS PROVISIONS OF THIS ARTICLE SHALL REMAIN IN EFFECT FOR EACH COUNTY, CITY, TOWN, VILLAGE OR WATER MANAGEMENT AGENCY UNTIL IT HAS ADOPTED APPROVED LAND USE REGULATIONS TO CONFORM TO THE PLAN.

4. AFTER THE APPROVAL OF ANY COUNTY, CITY, TOWN, VILLAGE OR MANAGEMENT AGENCY REGULATIONS THE COMMISSION SHALL PERIODICALLY REVIEW ITS APPROVAL OF ANY COUNTY, CITY, TOWN, VILLAGE OR MANAGEMENT AGENCY REGULATIONS ADOPTED TO ACHIEVE CONFORMITY WITH THE STATED WATER QUALITY GOALS OF THE PLAN.

5. ANY MEMBER OF THE PUBLIC OR ANY COMMISSIONER MAY ALSO PETITION THE COMMISSION TO ASSERT ITS REVIEW AUTHORITY TO EVALUATE ANY APPROVED LOCAL WATER QUALITY PLAN FOR CONFORMITY WITH THE STATED WATER QUALITY GOALS OF THE PLAN.

6. UPON A FINDING BY THE COMMISSION THAT A TOWN OR VILLAGE OR WATER MANAGEMENT ENTITY HAS CHANGED SUCH REGULATIONS IN A MANNER SUBSTANTIALLY INCONSISTENT WITH THE PLAN OR HAS ADMINISTERED ITS APPROVED REGULATIONS IN A MANNER SUBSTANTIALLY INCONSISTENT WITH THE PLAN, THE COMMISSION SHALL WITHDRAW APPROVAL OF SUCH LAND USE OR WATER QUALITY REGULATIONS AND THE PROVISIONS OF THE INTERIM REGULATIONS OF THIS TITLE SHALL BE REINSTITUTED.

7. SUCH WITHDRAWAL OF ANY APPROVED LOCAL WATER QUALITY PLAN SHALL BE MADE NOT BEFORE FOURTEEN DAYS AFTER THE COMMISSION HOLDS A PUBLIC HEARING IN THE AFFECTED TOWN, CITY OR VILLAGE ON THE PROPOSED WITHDRAWAL. NOTICE OF SUCH HEARING SHALL BE PUBLISHED IN A NEWSPAPER HAVING GENERAL CIRCULATION IN THE POLITICAL JURISDICTION AFFECTED AND NOTICE OF SUCH HEARING SHALL ALSO BE GIVEN BY REGISTERED MAIL TO THE SUPERVISOR, MAYOR OR WATER MANAGEMENT AGENCY.

8. REQUESTS FOR LOCAL WATER QUALITY PLAN REVIEW SHALL BE MADE TO THE COMMISSION ON FORMS AND IN SUCH MANNER AS THE PLAN AND COMMISSION SHALL DESIGNATE.

9. UPON ANY DECISION TO COMMENCE A NONPERIODIC REVIEW OF ANY LOCAL WATER QUALITY PLAN BASED ON A PETITION, THE COMMISSION MUST MAKE A DECISION WITHIN ONE HUNDRED TWENTY DAYS OF THE RECEIPT OF A COMPLETED REQUEST FOR PLAN REVIEW APPLICATION. IF THE COMMISSION FAILS TO MAKE A DECISION WITHIN ONE HUNDRED TWENTY DAYS, THE LOCAL WATER QUALITY PLAN SHALL BE AUTOMATICALLY REINSTATED BY THE COMMISSION, UNLESS THE REVIEW IS EXTENDED BY MUTUAL AGREEMENT OF THE MUNICIPALITY, WATER MANAGEMENT AGENCY AND THE COMMISSION.

S 15-3507. STATE OF THE AQUIFER REPORT.

THE DEPARTMENT SHALL PREPARE A TRIENNIAL REPORT FOR THE PURPOSE OF TRACKING, EVALUATING, AND MEASURING THE WATER QUALITY CONDITIONS, AS WELL AS THE WATER QUALITY OUTCOMES OF THE PLAN. THE STATE OF THE AQUIFER REPORT SHALL INCLUDE:

1. AN OVERVIEW OF THE AQUIFER RESOURCE SYSTEM ON LONG ISLAND.

2. A SURVEY OF LONG ISLAND'S WATER SUPPLY (PUBLIC AND PRIVATE) AND WASTEWATER INFRASTRUCTURE AND ITS CURRENT OPERATIONAL STATUS.

3. AN ASSESSMENT OF GROUNDWATER MANAGEMENT PRINCIPLES.

4. AN ASSESSMENT OF CURRENT CONDITIONS:

(A) RECHARGE, PRECIPITATION, EVAPOTRANSPIRATION, DEPLETION;

(B) WATER QUANTITY - SUPPLY DEMAND, WATER BUDGETS WHICH DESCRIBE THE INPUTS AND OUTPUTS TO ANY WATER SYSTEM;

(C) WATER QUALITY (GROUNDWATER AND SURFACE WATER);

(D) CONTAMINANT LEVELS;

(E) PRIORITY CONTAMINANTS OF CONCERN;

(F) MOVEMENT OF CONTAMINANTS:
(I) GROUNDWATER AND SURFACE WATER;
(II) SALTWATER INTRUSION;
(III) MONITORING;
(G) CURRENT REGULATORY AND MANAGEMENT ASSESSMENT:
(I) THE PLAN;
(II) THE DEPARTMENT;
(III) LOCAL/STATE HEALTH AND PUBLIC WORKS AGENCIES;
(IV) UNITED STATES ENVIRONMENTAL PROTECTION AGENCY;
5. FUTURE CONDITIONS AND TRENDS:
(A) QUANTITY;
(B) QUALITY:
(I) PROGRESS ON EXISTING CONTAMINANTS;
(II) EMERGING CONTAMINANTS;
(III) DEGRADATION PREDICTIONS;
(IV) TREATMENT NEEDS AND TRENDS; AND
6. RECOMMENDATIONS:
(A) ASSESSMENT OF PLAN IMPLEMENTATION;
(B) WATER DISTRIBUTION AND MANAGEMENT ASSESSMENT;
(C) REGULATORY EVALUATION AND ASSESSMENT.

S 15-3509. GROUNDWATER STANDARDS.

WITHIN TWO YEARS OF THE EFFECTIVE DATE OF THIS TITLE, FOLLOWING AT LEAST ONE PUBLIC HEARING, THE DEPARTMENT SHALL ESTABLISH AN AMBIENT GROUNDWATER STANDARD OF NO MORE THAN TWO MILLIGRAMS PER LITER OF NITROGEN WHERE GROUNDWATER ENTERS SURFACE WATERS; PROVIDED HOWEVER, THAT IN AREAS WITH AN AMBIENT GROUNDWATER STANDARD LOWER THAN TWO MILLIGRAMS PER LITER OF NITROGEN NO FURTHER INCREASE IN NITROGEN WILL BE PERMITTED.

THE DEPARTMENT SHALL SET ADDITIONAL GROUNDWATER QUALITY TARGETS FOR A RANGE OF WATER QUALITY INDICATORS, INCLUDING, BUT NOT LIMITED TO, TOTAL DISSOLVED OXYGEN, PATHOGENS, TURBIDITY, TEMPERATURE, HYDROCARBONS, METALS, SYNTHETICS AND BIOLOGICAL INDICATORS.

S 4. This act shall take effect immediately.