

STATE OF NEW YORK

1850--B

2025-2026 Regular Sessions

IN SENATE

January 14, 2025

Introduced by Sens. HINCHEY, ASHBY, BORRELLO, CANZONERI-FITZPATRICK, COMRIE, FERNANDEZ, HELMING, KAVANAGH, MATTERA, MAY, MURRAY, RHOADS, ROLISON, C. RYAN, STEC, TEDISCO, WALCZYK, WEBB, WEBER -- read twice and ordered printed, and when printed to be committed to the Committee on Environmental Conservation -- reported favorably from said committee and committed to the Committee on Finance -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- recommitted to the Committee on Environmental Conservation in accordance with Senate Rule 6, sec. 8 -- reported favorably from said committee and committed to the Committee on Finance -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the environmental conservation law, in relation to establishing the safe water infrastructure action program

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 article 78 to read as follows:

ARTICLE 78

SAFE WATER AND INFRASTRUCTURE ACTION PROGRAM

5 Section 78-0101. Safe water and infrastructure action program.

6 § 78-0101. Safe water and infrastructure action program.

7 1. Notwithstanding any other provisions of this chapter or any other
8 law and subject to an appropriation made therefor and in accordance with
9 the provisions of this section and with the rules and regulations
10 promulgated by the commissioner in connection therewith, on and after
11 one hundred eighty days after the effective date of this section, a
12 consolidated local infrastructure program is hereby established for the
13 purpose of making payments toward the replacement and rehabilitation of
14 existing local municipally-owned and funded drinking water, storm water
15 and sanitary sewer systems. For purposes of this section, such program

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

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1 shall apply to any drinking water system, storm water system or sanitary
2 sewer system within the state that is under the maintenance and/or oper-
3 ational jurisdiction of a county, city, town, village or public authori-
4 ty; provided, however, that such system shall not be under the mainte-
5 nance and/or operational jurisdiction of a private entity; and provided
6 further, however, that no more than ten percent of the moneys paid under
7 the program shall be paid toward replacement and rehabilitation of
8 drinking water, storm water, and sanitary sewer systems under the main-
9 tenance and/or operational jurisdiction of any one county, city, town,
10 village, or public authority. The commissioner, in conjunction with the
11 environmental facilities corporation, shall promulgate all necessary
12 rules and regulations to carry out the program so that an equitable
13 distribution of aid shall be made for the general operation and/or
14 general maintenance of any such existing drinking water system, storm
15 water system or sanitary sewer system. Existing water infrastructure
16 includes all the man-made and natural features that move and treat water
17 in terms of drinking water, waste water, and storm water. Monies from
18 this fund may be used for maintenance and repairs of existing water
19 infrastructure as well as new water infrastructure expansion, but only
20 into already developed areas so as not to support sprawl and development
21 of natural areas. Already developed areas are those that are
22 zoned/defined by municipalities as of January first, two thousand twenty-
23 five as commercial and residential use.

24 2. On or before the twenty-fifth day of April, June, September and
25 November of each state fiscal year commencing with the state fiscal year
26 beginning one year after the effective date of this section, there shall
27 be distributed and paid to counties, cities, towns, villages and public
28 authorities an amount equal to the moneys appropriated for the purposes
29 of this section divided by the number of payment dates in that state
30 fiscal year. Such amounts shall be distributed and paid pursuant to
31 subdivision three of this section.

32 3. Amounts shall be distributed for local drinking water, storm water
33 and sanitary sewer systems based upon a funding formula that the depart-
34 ment and the department of health shall create taking into consideration
35 factors including but not limited to: the system's length and width of
36 pipes; other physical assets maintained by the system, including treat-
37 ment facilities and pumping stations; the age of the system's infras-
38 tructure; and relevant socioeconomic factors, including the presence of
39 disadvantaged communities within a system's service area, to achieve an
40 equitable distribution of aid.

41 4. Monies made available may be used to match other state and federal
42 funds made available for such projects. The remainder of the apportion-
43 ment may be used for any existing drinking water, storm water or sewer
44 system purchases, including but not limited to, the acquisition of mate-
45 rials for the replacement or rehabilitation.

46 5. For any city, town, village or public authority which proposes
47 infrastructure consolidation under this section or merges with another
48 municipality, the funds appropriated under this section may fund costs
49 associated with such consolidation.

50 6. For each fiscal year, starting one year after the effective date of
51 this section, funds are to be made available to the local infrastructure
52 assistance account of the general fund, and distributed from that
53 account.

54 7. At the end of each fiscal year, each county, city, town, village
55 and public authority that receives funding pursuant to this section
56 shall submit an annual report to the department detailing how such money

1 was used. The department shall compile all reports and submit them to
2 the comptroller for their review. Once a report is finalized, it shall
3 be made publicly available on the department's website. The department
4 and the comptroller shall reserve the right to conduct sight visits to
5 ensure the money is being used accurately.

6 § 2. This act shall take effect on the thirtieth day after it shall
7 have become a law.