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

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:

Section 1. This act shall be known and may be cited as the "sewage pollution right to know act".

S 2. The environmental conservation law is amended by adding a new section 17-0826-a to read as follows:

S 17-0826-A. MANDATORY SEWAGE RELEASE REPORTING AND NOTIFICATION BY PUBLICLY OWNED TREATMENT WORKS AND OPERATORS OF PUBLICLY OWNED SEWER SYSTEMS.

1. PUBLICLY OWNED TREATMENT WORKS OR THE OPERATOR OF A PUBLICLY OWNED SEWER SYSTEM SHALL IMMEDIATELY, BUT IN NO CASE LATER THAN TWO HOURS AFTER DISCOVERY, REPORT DISCHARGES OF UNTREATED OR PARTIALLY TREATED SEWAGE, INCLUDING COMBINED SEWER OVERFLOWS, EXCEPT PARTIALLY TREATED SEWAGE DISCHARGED DIRECTLY FROM A PUBLICLY OWNED TREATMENT WORKS THAT IS IN COMPLIANCE WITH A DEPARTMENT APPROVED PLAN OR PERMIT, TO THE DEPARTMENT AND THE LOCAL HEALTH DEPARTMENT, OR IF THERE IS NONE, THE NEW YORK STATE HEALTH DEPARTMENT. SUCH REPORT SHALL, AT A MINIMUM, INCLUDE, TO THE EXTENT KNOWABLE WITH EXISTING SYSTEMS AND MODELS:

(A) THE VOLUME AND TREATED STATE OF THE DISCHARGE;

(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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(C) THE EXPECTED DURATION OF THE DISCHARGE;
(D) A BRIEF DESCRIPTION OF THE STEPS BEING TAKEN TO CONTAIN THE DISCHARGE EXCEPT FOR WET WEATHER COMBINED SEWER OVERFLOW DISCHARGES;
(E) THE LOCATION OF THE DISCHARGE, WITH THE MAXIMUM LEVEL OF SPECIFICITY POSSIBLE; AND
(F) THE REASON FOR THE DISCHARGE.

2. IN ADDITION TO SUBDIVISION ONE OF THIS SECTION, AS SOON AS POSSIBLE, BUT NO LATER THAN FOUR HOURS FROM DISCOVERY OF THE DISCHARGE, THE PUBLICLY OWNED TREATMENT WORKS OR THE OPERATOR OF A PUBLICLY OWNED SEWER SYSTEM SHALL NOTIFY THE LOCAL HEALTH DEPARTMENT OR IF THERE IS NONE, THE NEW YORK STATE HEALTH DEPARTMENT, THE CHIEF ELECTED OFFICIAL OR THEIR AUTHORIZED DESIGNEE OF THE MUNICIPALITY IN WHICH THE DISCHARGE OCCURRED AND THE CHIEF ELECTED OFFICIAL OR THEIR AUTHORIZED DESIGNEE OF ANY ADJOINING MUNICIPALITY THAT MAY BE AFFECTED. THE SAME NOTIFICATION SHALL ALSO BE PROVIDED WITHIN THE SAME TIMEFRAME TO THE GENERAL PUBLIC, PURSUANT TO REGULATIONS TO BE PROMULGATED UNDER SUBDIVISION FOUR OF THIS SECTION THROUGH APPROPRIATE ELECTRONIC MEDIA, INCLUDING, BUT NOT LIMITED TO, ELECTRONIC MAIL OR VOICE COMMUNICATION AS DETERMINED BY THE DEPARTMENT.

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

4. THE DEPARTMENT SHALL PROMULGATE RULES AND REGULATIONS THAT ARE NECESSARY FOR THE IMPLEMENTATION OF THIS SECTION. SUCH REGULATIONS AS ARE NECESSARY FOR THE IMPLEMENTATION OF THE PUBLIC NOTIFICATION REQUIREMENTS OF SUBDIVISION TWO OF THIS SECTION SHALL PROVIDE ONLY FOR PUBLIC NOTIFICATION OF DISCHARGES THAT MAY PRESENT A THREAT TO PUBLIC HEALTH, CONSIDERING THE POTENTIAL FOR EXPOSURE AND OTHER RELEVANT FACTORS. SUCH REGULATIONS MAY ALSO INCLUDE PRECONDITIONS FOR NOTIFICATION OF ANY DISCHARGE THAT IS NOT SUBJECT TO A PERMIT ISSUED UNDER THIS TITLE AND DOES NOT PRESENT A THREAT TO PUBLIC HEALTH, CONSIDERING THE POTENTIAL FOR EXPOSURE AND OTHER RELEVANT FACTORS.

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