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

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Cal. No. 398

I N A S S E M B L Y

February 29, 2012

Introduced by 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 -- Multi-Sponsored by -- M. of A. ABINANTI, BRENNAN, GABRYSZAK, GLICK, GOTTFRIED, McENENY, NOLAN, PAULIN, ROBINSON, THIELE -- read once and referred to the Committee on Environmental Conservation -- reported from committee, advanced to a third reading, amended and ordered reprinted, retaining its place on the order of third reading

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.

1. PUBLICLY OWNED TREATMENT WORKS SHALL IMMEDIATELY, BUT IN NO CASE LATER THAN TWO HOURS, REPORT DISCHARGES OF UNTREATED OR PARTIALLY TREATED SEWAGE, INCLUDING COMBINED SEWER OVERFLOWS, TO THE DEPARTMENT AND THE LOCAL HEALTH DEPARTMENT. SUCH REPORT SHALL, AT A MINIMUM, INCLUDE:

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

(B) THE DATE AND TIME OF THE DISCHARGE;

(C) THE EXPECTED DURATION OF THE DISCHARGE TO THE EXTENT IT IS KNOWABLE;

(D) A BRIEF DESCRIPTION OF THE STEPS BEING TAKEN TO CONTAIN THE DISCHARGE; AND

(E) THE LOCATION OF THE DISCHARGE, WITH THE MAXIMUM LEVEL OF SPECIFICITY POSSIBLE.

2. IN ADDITION TO SUBDIVISION ONE OF THIS SECTION, AS SOON AS POSSIBLE, BUT NO LATER THAN FOUR HOURS AFTER THE DISCHARGE, THE PUBLICLY OWNED TREATMENT WORKS SHALL NOTIFY THE NEW YORK STATE HEALTH DEPARTMENT,

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

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THE CHIEF EXECUTIVE OFFICER OF THE MUNICIPALITY IN WHICH THE DISCHARGE OCCURRED AND THE CHIEF EXECUTIVE OF ANY ADJOINING MUNICIPALITY THAT MAY BE AFFECTED. NOTIFICATION SHALL ALSO BE PROVIDED WITHIN THE SAME TIME-FRAME TO THE GENERAL PUBLIC THROUGH LOCAL NEWS OUTLETS, NEWSPAPERS AND ANY OTHER MEDIA AVAILABLE.

3. THE DEPARTMENT SHALL POST REPORTED INFORMATION ON ITS WEBSITE EXPEDITIOUSLY AND SHALL PREPARE AN ANNUAL PUBLICLY OWNED TREATMENT WORKS DISCHARGE REPORT EACH YEAR. 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.

S 3. This act shall take effect on January 1, 2013. Effective immediately, the department of environmental conservation is authorized to promulgate rules and regulations necessary for the timely implementation of this act on its effective date.