

6268--B

Cal. No. 594

I N   S E N A T E

January 18, 2012

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Introduced by Sens. GRISANTI, ADDABBO, AVELLA, DILAN, DUANE, ESPAILLAT, FUSCHILLO, GOLDEN, HASSELL-THOMPSON, KLEIN, KRUEGER, LAVALLE, MARTINS, MONTGOMERY, O'MARA, OPPENHEIMER, PARKER, SERRANO, STEWART-COUSINS -- read twice and ordered printed, and when printed to be committed to the Committee on Environmental Conservation -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- reported favorably from said committee, ordered to first and second report, ordered to a third reading, amended and ordered reprinted, retaining its place in 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:

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 OR PERMITTEE.  
7     1. PUBLICLY OWNED TREATMENT WORKS OR THE PERMITTEE SHALL IMMEDIATELY,  
8     BUT IN NO CASE LATER THAN TWO HOURS, REPORT DISCHARGES OF UNTREATED OR  
9     PARTIALLY TREATED SEWAGE, INCLUDING COMBINED SEWER OVERFLOWS, EXCEPT  
10    PARTIALLY TREATED PUBLICLY OWNED TREATMENT WORKS EFFLUENT THAT IS IN  
11    COMPLIANCE WITH A DEPARTMENT APPROVED PLAN OR PERMIT, TO THE DEPARTMENT  
12    AND THE LOCAL HEALTH DEPARTMENT, OR IF THERE IS NONE, THE NEW YORK STATE  
13    HEALTH DEPARTMENT. SUCH REPORT SHALL, AT A MINIMUM, INCLUDE, TO THE  
14    EXTENT KNOWABLE WITH EXISTING SYSTEMS AND MODELS:  
15        (A) THE VOLUME AND TREATED STATE OF THE DISCHARGE;  
16        (B) THE DATE AND TIME OF THE DISCHARGE;  
17        (C) THE EXPECTED DURATION OF THE DISCHARGE;  
18        (D) A BRIEF DESCRIPTION OF THE STEPS BEING TAKEN TO CONTAIN THE  
19    DISCHARGE EXCEPT FOR WET WEATHER COMBINED SEWER OVERFLOW DISCHARGES;  
20        (E) THE LOCATION OF THE DISCHARGE, WITH THE MAXIMUM LEVEL OF SPECIFIC-  
21    ITY POSSIBLE; AND

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

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1 (F) THE REASON FOR THE DISCHARGE.

2 2. IN ADDITION TO SUBDIVISION ONE OF THIS SECTION, AS SOON AS POSSI-  
3 BLE, BUT NO LATER THAN FOUR HOURS AFTER THE DISCHARGE, THE PUBLICLY  
4 OWNED TREATMENT WORKS OR PERMITTEE SHALL NOTIFY THE LOCAL HEALTH DEPART-  
5 MENT OR IF THERE IS NONE, THE NEW YORK STATE HEALTH DEPARTMENT, THE  
6 CHIEF ELECTED OFFICIAL OR THEIR AUTHORIZED DESIGNEE OF THE MUNICIPALITY  
7 IN WHICH THE DISCHARGE OCCURRED AND THE CHIEF ELECTED OFFICIAL OR THEIR  
8 AUTHORIZED DESIGNEE OF ANY ADJOINING MUNICIPALITY THAT MAY BE AFFECTED.  
9 THE SAME NOTIFICATION SHALL ALSO BE PROVIDED WITHIN THE SAME TIMEFRAME  
10 TO THE GENERAL PUBLIC, PURSUANT TO REGULATIONS TO BE PROMULGATED UNDER  
11 SUBDIVISION FOUR OF THIS SECTION THROUGH APPROPRIATE MEDIA AS DETERMINED  
12 BY THE DEPARTMENT.

13 3. THE DEPARTMENT SHALL POST REPORTED INFORMATION ON ITS WEBSITE EXPE-  
14 DITIOUSLY AND SHALL PREPARE AN ANNUAL PUBLICLY OWNED TREATMENT WORKS OR  
15 PERMITTEE DISCHARGE REPORT EACH YEAR. THE REPORT SHALL, AT A MINIMUM,  
16 INCLUDE: THE TOTAL NUMBER OF DISCHARGES, DETAILS OF SUCH DISCHARGES  
17 INCLUDING THE VOLUME AND TREATED STATE OF THE DISCHARGE, AND THE DURA-  
18 TION AND LOCATION OF EACH DISCHARGE; AS WELL AS ANY REMEDIAL RESPONSES  
19 TAKEN TO MITIGATE IMPACTS AND AVOID FURTHER DISCHARGES.

20 4. THE DEPARTMENT SHALL PROMULGATE RULES AND REGULATIONS NECESSARY  
21 FOR THE IMPLEMENTATION OF THIS SECTION. PURSUANT TO THE PROVISIONS OF  
22 THIS SECTION, THE DEPARTMENT IN CONSULTATION WITH THE DEPARTMENT OF  
23 HEALTH, SHALL FURTHER PROMULGATE HEALTH-BASED RULES AND REGULATIONS TO  
24 PROVIDE FOR NOTIFICATION IN ANY SITUATION THAT MAY PRESENT A THREAT TO  
25 PUBLIC HEALTH. THESE REGULATIONS SHALL AUTHORIZE PUBLICLY OWNED TREAT-  
26 MENT WORKS OR PERMITTEES TO CONSIDER INPUT FROM A LOCAL HEALTH AGENCY SO  
27 LONG AS THAT INPUT IS BASED ON OBJECTIVE CRITERIA.

28 S 3. A municipality may, but shall not be required to, expend addi-  
29 tional local funds to implement the provisions of this act.

30 S 4. This act shall take effect January 1, 2013. Effective imme-  
31 diately, the department of environmental conservation is authorized to  
32 promulgate rules and regulations, as authorized by subdivision 4 of  
33 section 17-0826-a of the environmental conservation law as added by  
34 section two of this act, necessary for the timely implementation of this  
35 act on its effective date.