

5132

2015-2016 Regular Sessions

I N S E N A T E

May 4, 2015

Introduced by Sen. O'MARA -- (at request of the Department of Environmental Conservation) -- read twice and ordered printed, and when printed to be committed to the Committee on Environmental Conservation

AN ACT to amend the environmental conservation law, in relation to the water quality standards for coliform; and to repeal certain provisions of such law relating thereto

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

1 Section 1. Subparagraphs 1, 2, 4 and 7 of paragraph c of subdivision 5
2 of section 17-0301 of the environmental conservation law are REPEALED
3 and subparagraphs 3, 5 and 6 are renumbered subparagraphs 1, 2 and 3.
4 S 2. The opening paragraph and subparagraphs 1 and 3 of paragraph c of
5 subdivision 5 of section 17-0301 of the environmental conservation law,
6 subparagraphs 1 and 3 as renumbered by section one of this act, are
7 amended to read as follows:
8 [Organisms of the coliform group or any other organisms] PATHOGENS OR
9 INDICATORS FOR PATHOGENS from wastes of animal or human origin shall not
10 exceed the [following prescribed] standards for usage of the classified
11 waters of the state[:].
12 (1) [Sources of water] SURFACE WATERS USED for bathing, fishing, boat-
13 ing, and any other usages except shellfishing for market purposes in
14 tidal salt waters[: For such sources the monthly median coliform value
15 for one hundred ml of sample shall not exceed two thousand four hundred
16 from a minimum of five examinations and provided that not more than
17 twenty percent of the samples shall exceed a coliform value of five
18 thousand for one hundred ml of sample and provided further that surface
19 waters] receiving treated sewage discharges which pass through residen-
20 tial communities where there is a potential exposure of population to
21 the surface waters shall be protected by the requirement that all
22 [effluents] EFFLUENT from sewage treatment plants THAT ARE REQUIRED TO
23 PROVIDE A MINIMUM OF EFFECTIVE SECONDARY TREATMENT shall be adequately

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

LBD09611-01-5

1 disinfected prior to discharge into the surface waters [in order that
2 the monthly median coliform value for one hundred ml of sample shall not
3 exceed two thousand four hundred from a minimum of five examinations and
4 provided that not more than twenty percent of the samples shall exceed a
5 coliform value of five thousand for one hundred ml of sample] SUCH THAT
6 THE WATER QUALITY STANDARDS FOR COLIFORM THAT APPLY TO THE RECEIVING
7 WATER ARE ALSO MET IN THE EFFLUENT. SHOULD A STANDARD REPLACING COLI-
8 FORM BE ADOPTED FOR PATHOGENS OR INDICATORS OF PATHOGENS FOR SUCH
9 WATERS, EFFLUENT FROM SEWAGE TREATMENT PLANTS THAT ARE REQUIRED TO
10 PROVIDE A MINIMUM OF EFFECTIVE SECONDARY TREATMENT SHALL BE ADEQUATELY
11 DISINFECTED PRIOR TO DISCHARGE INTO THE SURFACE WATER SUCH THAT WATER
12 QUALITY STANDARDS THAT APPLY TO THE RECEIVING WATER ARE MET.

13 (3) When the [above prescribed] standards are exceeded the commission-
14 er shall make an investigation to determine the source or sources of
15 pollution. When it shall appear to the commissioner after investigation,
16 that there has been a violation of any of the provisions of titles 1 to
17 11, inclusive, and title 19 of this article he OR SHE shall take further
18 proceedings as provided in section 17-0905.

19 S 3. This act shall take effect immediately.