

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

5422--A

2015-2016 Regular Sessions

I N S E N A T E

May 14, 2015

Introduced by Sen. MURPHY -- read twice and ordered printed, and when printed to be committed to the Committee on Finance -- recommitted to the Committee on Finance in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to enact the "New York state municipal separate stormwater sewer system mandate relief act of 2016"; to enact the "New York state stormwater management financing act of 2016"; and to provide for the allocation of monies received by the state from any settlement with Deutsche Bank (Subpart A); to direct the environmental facilities corporation to provide financial assistance payments in support of municipal stormwater management projects (Subpart B)(Part A); to make an appropriation for the purposes of the New York state stormwater management financing act of 2016 (Part B); to amend the public authorities law, in relation to the drinking water revolving fund of the environmental facilities corporation; to amend the state finance law, in relation to establishing the drinking water program management and administration fund; and to repeal section 97-ddd of the state finance law relating to the drinking water program management and administration fund (Part C); to amend the soil and water conservation districts law, the town law, the administrative code of the city of New York and the general municipal law, in relation to state aid for watershed protection (Part D); to amend the environmental conservation law, in relation to requiring consideration of a municipality's financial capabilities and the affordability of control options when issuing permits for wet weather discharges from sanitary sewers; to amend the public health law, in relation to eligibility for funding from the drinking water revolving fund (Part E); and to amend the general municipal law, the general city law, the county law and the village law, in relation to the protection and restoration of groundwater, surface waters and drinking water quality (Part F)

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

LBD10713-05-6

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

Section 1. Short title. This act may be known and be cited as the "New York state municipal separate stormwater sewer system mandate relief act of 2016".

S 2. This act enacts into law major components of legislation relating to municipal separate stormwater sewer system mandate relief. Each component is wholly contained within a Part identified as Parts A through F. The effective date for each particular provision contained within such Part is set forth in the last section of such Part. Any provision in any section contained within a Part, including the effective date of the Part, which makes a reference to a section "of this act", when used in connection with that particular component, shall be deemed to mean and refer to the corresponding section of the Part in which it is found. Section four of this act sets forth the general effective date of this act.

PART A

Section 1. Short title. This act may be known and be cited as the "New York state stormwater management financing act of 2016."

S 2. This act enacts into law major components of legislation relating to stormwater management financing. Each component is wholly contained within a Subpart identified as Subpart A and B. The effective date for each particular provision contained within such Subpart is set forth in the last section of such Subpart. Any provision in any section contained within a Subpart, including the effective date of the Subpart, which makes a reference to a section "of this act", when used in connection with that particular component, shall be deemed to mean and refer to the corresponding section of the Subpart in which it is found. Section four of this act sets forth the general effective date of this act.

SUBPART A

Section 1. Notwithstanding any other provision of law, rule or regulation to the contrary, any monies received by the state from any settlement with Deutsche Bank shall be used to provide state assistance for a water project referred to in section 1045-b of the public authorities law or a non-agricultural nonpoint source abatement and control project referred to in section 17-1409 of the environmental conservation law.

As used in this section, the term "settlement revenue" shall mean the sum of all revenue received as a result of civil litigation involving Deutsche Bank in state fiscal year 2016-2017.

Such monies shall be disbursed for payment of financial assistance, from funds appropriated for such purpose, to municipalities in support of stormwater management projects pursuant to section 1285-m of the public authorities law or section 17-0709 of the environmental conservation law, which, notwithstanding any other provision of law to the contrary, shall be used for purposes to support stormwater management projects; provided that at least \$600,000,000 shall be made available from the settlement revenue and shall be payable no later than ninety days after the effective date of this act, for the purpose of providing financial assistance.

S 2. This act shall take effect immediately.

SUBPART B

Section 1. For purposes of this act:

a. "Stormwater management project" shall mean a water project, as defined in section 1045-b of the public authorities law, or a nonpoint source project such as stormwater management projects which otherwise meet the definition of a "nonpoint source abatement and control program" as defined in section 17-1403 of the environmental conservation law, and an "eligible project" as defined in paragraphs (a), (b), (c) and (e) of subdivision 4 of section 1160 of the public health law.

b. "Construction" shall mean:

(1) for water projects, as defined in section 1045-b of the public authorities law; and

(2) for eligible projects, as defined in section 1160 of the public health law.

c. "Municipality" shall mean any county, city, town, village, district corporation, county or town improvement district, school district, Indian nation or tribe recognized by the state or the United States with a reservation wholly or partly within the boundaries of the state, any public benefit corporation or public authority established pursuant to state laws or any agency which is empowered to construct and operate a stormwater management project, or any two or more of the foregoing which are acting jointly in connection with a stormwater management project.

S 2. a. The environmental facilities corporation shall undertake and provide state financial assistance payments, from funds appropriated for such purpose, to municipalities in support of stormwater management projects; provided, however, in any such year that funds are appropriated for such purpose, no municipality shall receive more than ten million dollars of appropriated funds in a single fiscal year. Such state financial assistance payments shall be awarded only to stormwater management projects for:

(1) SPDES upgrades, to assist existing sewage treatment works, public or private, to rehabilitate, replace or upgrade equipment that is unreliable, failing or nearing the end of its useful life and is necessary to the treatment process which allow such sewage treatment works to reliably meet the conditions of their respective state pollutant discharge elimination system permits as defined in section 17-0815 of the environmental conservation law;

(2) New infrastructure funds, to construct new sewage treatment works or community septic systems and related infrastructure, including related sewerage collection systems, or to create and fund septic districts in areas of existing development, to address existing or anticipated water quality problems;

(3) Sewer extensions, to construct extensions to sewerage collection systems, community septic systems and related infrastructure, in areas of existing concern;

(4) Stormwater retrofits, to design, permit, construct, implement and maintain stormwater best management practices to address existing stormwater runoff in concentrated areas of impervious surfaces to the extent such practices are necessary to correct or reduce existing erosion and/or pollutant loadings;

(5) Sand and salt storage facilities, to improve the storage of sand, salt and other road de-icing materials so as to better protect water quality and to assist local governments in complying with the watershed regulations;

(6) Stream corridor protection, to pay the costs of designing, constructing and implementing stream corridor protection projects such as streambank stabilizations and fish habitat;

(7) Water quality projects, provided that such measures constitute water projects as defined in section 1045-b of the public authorities law;

(8) Rehabilitation or replacement of subsurface sewage treatment systems that are failing or likely to fail soon or are in areas which exhibit concentrations of failing or soon-to-be-failing septic systems, including pump-outs and to determine whether rehabilitation or replacement is appropriate; and

(9) Sewerage collection systems or extensions to sewerage collection systems to the extent necessary to serve areas with concentrations of failing or soon-to-be-failing treatment systems constructed on inappropriate sites from a water quality perspective such as undersized lots in lakefront communities adjacent to lakes or reservoirs, or to combine sewage flows currently treated at two or more wastewater treatment plants and expansions of existing wastewater treatment plants or construction of new wastewater treatment plants necessary to accommodate the additional flow resulting from such sewerage.

b. A municipality may make an application for such state financial assistance payment, in a manner, form and timeframe, and containing such information as the environmental facilities corporation may require; provided however, such requirements shall not include a requirement for prior listing on the intended use plan.

c. A municipality shall not be required to accept environmental facilities corporation loan financing in order to obtain a state financial assistance payment pursuant to this act if it can provide proof of having obtained similarly low cost financing or other funding from another source.

S 2. This act shall take effect immediately.

S 3. Severability. If any clause, sentence, paragraph, section, or part of this act shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section, or part thereof involved in the controversy in which such judgment shall have been rendered.

S 4. This act shall take effect immediately; provided, however, that the applicable effective date of Subparts A and B of this act shall be as specifically set forth in the last section of such Subparts.

PART B

Section 1. The sum of six hundred million dollars (\$600,000,000), or so much thereof as may be necessary, is hereby appropriated to the department of environmental conservation from any moneys in the state treasury in the general fund to the credit of the aid to localities account not otherwise appropriated for the purposes of carrying out the provisions of the New York state stormwater management financing act of 2015. Up to two hundred million dollars (\$200,000,000) shall be available from this appropriation in state fiscal year 2016-17, up to an additional two hundred million dollars (\$200,000,000) shall be available in state fiscal year 2017-18, and up to an additional two hundred million dollars (\$200,000,000) shall be available in state fiscal year 2018-19. All or a portion of such funds may be suballocated or transferred to the environmental facilities corporation, the department of

1 health, the department of state or the soil and water conservation
2 committee provided that the amount suballocated or transferred is used
3 for the purposes of financing stormwater management projects. Such sum
4 shall be payable on the audit and warrant of the state comptroller on
5 vouchers certified or approved by the commissioner of environmental
6 conservation, or his or her duly designated representative in the manner
7 provided by law. No expenditure shall be made from this appropriation
8 until a certificate of approval of availability shall have been issued
9 by the director of the budget and filed with the state comptroller and a
10 copy filed with the chairman of the senate finance committee and the
11 chairman of the assembly ways and means committee. Such certificate may
12 be amended from time to time by the director of the budget and a copy of
13 each such amendment shall be filed with the state comptroller, the
14 chairman of the senate finance committee and the chairman of the assem-
15 bly ways and means committee.
16 S 2. This act shall take effect immediately.

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PART C

18 Section 1. Paragraphs (e) and (f) of subdivision 3 of section 1285-m
19 of the public authorities law, as added by chapter 413 of the laws of
20 1996, are amended and a new paragraph (g) is added to read as follows:

21 (e) investment earnings on amounts in such fund; [and]

22 (f) the proceeds of bonds or notes issued by the corporation for
23 purposes of providing financial assistance to recipients[.]; AND

24 (G) MONEYS APPROPRIATED PURSUANT TO THE NEW YORK STATE STORMWATER
25 MANAGEMENT FINANCING ACT OF TWO THOUSAND SIXTEEN.

26 S 2. Section 97-ddd of the state finance law, as added by chapter 432
27 of the laws of 1997, is REPEALED and a new section 99-y is added to read
28 as follows:

29 S 99-Y. DRINKING WATER PROGRAM MANAGEMENT AND ADMINISTRATION FUND. 1.
30 THERE IS HEREBY ESTABLISHED IN THE JOINT CUSTODY OF THE STATE COMP-
31 TROLLER AND THE COMMISSIONER OF TAXATION AND FINANCE A FUND TO BE KNOWN
32 AS THE "DRINKING WATER PROGRAM MANAGEMENT AND ADMINISTRATION FUND".

33 2. THE DRINKING WATER PROGRAM MANAGEMENT AND ADMINISTRATION FUND MAY
34 CONSIST OF (A) ALL MONEYS TRANSFERRED TO THE STATE FROM THE DRINKING
35 WATER REVOLVING FUND PURSUANT TO SECTION TWELVE HUNDRED EIGHTY-FIVE-M OF
36 THE PUBLIC AUTHORITIES LAW, (B) ALL OR A PORTION OF MONEYS MADE AVAIL-
37 ABLE TO THE STATE FOR PURPOSES OF ADMINISTERING AND MANAGING FINANCIAL
38 ASSISTANCE PROVIDED TO RECIPIENTS FROM THE DRINKING WATER REVOLVING FUND
39 PURSUANT TO THE FEDERAL SAFE DRINKING WATER ACT, (C) MONEYS APPROPRIATED
40 PURSUANT TO THE NEW YORK STATE STORMWATER MANAGEMENT FINANCING ACT OF
41 TWO THOUSAND SIXTEEN; AND (D) ALL OTHER MONEYS CREDITED OR TRANSFERRED
42 THERETO FROM ANY OTHER FUND OR SOURCE PURSUANT TO LAW.

43 3. MONEYS IN THE DRINKING WATER PROGRAM MANAGEMENT AND ADMINISTRATION
44 FUND SHALL BE KEPT SEPARATELY FROM AND SHALL NOT BE COMMINGLED WITH ANY
45 OTHER MONEYS IN THE CUSTODY OF THE STATE COMPTROLLER.

46 4. MONEYS IN THE FUND, FOLLOWING APPROPRIATION, MAY BE USED, FOR THE
47 PURPOSE OF PAYING ALL COSTS OF THE DEPARTMENT OF HEALTH AND NEW YORK
48 STATE ENVIRONMENTAL FACILITIES CORPORATION FOR MANAGEMENT AND ADMINIS-
49 TRATION OF THE DRINKING WATER PROGRAM ESTABLISHED BY TITLE FOUR OF ARTI-
50 CLE ELEVEN OF THE PUBLIC HEALTH LAW, THE DRINKING WATER REVOLVING FUND
51 ESTABLISHED BY SECTION TWELVE HUNDRED EIGHTY-FIVE-M OF THE PUBLIC
52 AUTHORITIES LAW AND THE NEW YORK STATE MUNICIPAL SEPARATE STORMWATER
53 SEWER SYSTEM MANDATE RELIEF ACT OF TWO THOUSAND SIXTEEN.

54 S 3. This act shall take effect immediately.

PART D

Section 1. Subdivision 1 of section 11-a of the soil and water conservation districts law is amended by adding a new paragraph (d) to read as follows:

(D) WITHIN AMOUNTS AVAILABLE, PROVIDE FINANCIAL ASSISTANCE TO EACH SOIL AND WATER CONSERVATION DISTRICT, IN ADDITION TO THE AMOUNTS PROVIDED UNDER PARAGRAPHS (A), (B) AND (C) OF THIS SUBDIVISION, FOR THE PURPOSES OF CARRYING OUT PROJECTS IDENTIFIED PURSUANT TO THE NEW YORK STATE STORMWATER MANAGEMENT FINANCING ACT OF TWO THOUSAND SIXTEEN.

S 2. Subdivision 10-g of section 198 of the town law, as added by chapter 378 of the laws of 2012, is amended to read as follows:

10-g. Watershed protection improvement district. After a watershed protection improvement district has been established, the town board may take such action as may be required to adopt plans and specifications and enter into a contract or contracts, APPLY FOR FUNDING UNDER THE NEW YORK STATE STORMWATER MANAGEMENT FINANCING ACT OF TWO THOUSAND SIXTEEN, or take such other actions as may be required, for the protection and restoration of groundwater, surface waters, and drinking water quality as it may deem to be necessary or desirable, including but not limited to stormwater treatment projects and wetland construction.

S 3. Subdivision a of section 24-501 of the administrative code of the city of New York is amended by adding a new paragraph 4 to read as follows:

4. NOTWITHSTANDING ANY PROVISION OF LAW TO THE CONTRARY, ANY STORMWATER MANAGEMENT PROJECT ASSESSED BY THE COMMISSIONER OF ENVIRONMENTAL PROTECTION TO PROTECT THE WATER SUPPLY OF THE CITY OF NEW YORK UNDER THIS SECTION SHALL BE DEEMED (A) A PRIORITY UNDER SECTION ELEVEN HUNDRED SIXTY-ONE OF THE PUBLIC HEALTH LAW; (B) TO MEET THE HARDSHIP CRITERIA ESTABLISHED BY THE ENVIRONMENTAL FACILITIES CORPORATION PURSUANT TO SECTION TWELVE HUNDRED EIGHTY-FIVE-M OF THE PUBLIC AUTHORITIES LAW; AND (C) ELIGIBLE FOR FUNDING PURSUANT TO THE NEW YORK STATE STORMWATER MANAGEMENT FINANCING ACT OF TWO THOUSAND SIXTEEN.

S 4. Section 119-c of the general municipal law, as added by chapter 346 of the laws of 1955, is amended to read as follows:

S 119-c. Construction and development of excess drainage facilities. Any city, town or village, any county on behalf of a county drainage district and any town on behalf of a town drainage district may, in addition to all other powers possessed with respect to the construction and development of drainage facilities, provide for the construction and development of capacity in excess of its own needs for the purpose of conveying and disposing of storm waters and other surface or sub-surface waters collected by another public corporation or improvement district, and, any provision of law to the contrary notwithstanding, may contract indebtedness for such purpose, OR APPLY FOR FUNDING UNDER THE NEW YORK STATE STORMWATER MANAGEMENT FINANCING ACT OF TWO THOUSAND SIXTEEN. The term "public corporation" as used in this article shall mean a public corporation as defined in the general corporations law.

S 5. Severability. If any clause, sentence, paragraph, section, or part of this act shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section, or part thereof involved in the controversy in which such judgment shall have been rendered.

S 6. This act shall take effect immediately.

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PART E

2 Section 1. The environmental conservation law is amended by adding a
3 new section 17-0709 to read as follows:

4 S 17-0709. FACTORS FOR THE COMMISSIONER TO CONSIDER WHEN ISSUING
5 PERMITS.

6 THE COMMISSIONER OR HIS OR HER DESIGNATED REPRESENTATIVE SHALL CONSID-
7 ER THE FOLLOWING, TO THE EXTENT ALLOWABLE UNDER THIS CHAPTER AND THE
8 FEDERAL WATER POLLUTION CONTROL ACT, FOR ALL PERMITS ISSUED PURSUANT TO
9 THIS CHAPTER FOR ANY DISCHARGES CONSISTING OF COMBINED SEWER OVERFLOWS,
10 REQUIRING AND APPROVING LONG-TERM CONTROL PLANS FOR WET WEATHER
11 DISCHARGES FROM COMBINED OR SEPARATE SANITARY SEWER SYSTEMS, OR ENFORC-
12 ING PROVISIONS OF THE FEDERAL WATER POLLUTION CONTROL ACT, 33 U.S.C. S
13 1251 ET SEQ.:

14 1. LIMITATIONS ON A MUNICIPALITY'S FINANCIAL CAPABILITIES AND ABILITY
15 TO RAISE OR SECURE NECESSARY FUNDING;

16 2. AFFORDABILITY OF CONTROL OPTIONS;

17 3. AN EVALUATION OF THE EFFECTIVENESS AND AFFORDABILITY OF CONTROL
18 TECHNOLOGIES;

19 4. PROMOTION OF GREEN INFRASTRUCTURE;

20 5. REDUCING ECONOMIC IMPACTS ON REGULATED ENTITIES, OTHER STATE AND
21 LOCAL GOVERNMENTAL ENTITIES, AND RESIDENTS;

22 6. ALLOWING FOR REASONABLE ACCOMMODATIONS FOR REGULATED ENTITIES AND
23 OTHER STATE AND LOCAL GOVERNMENTAL ENTITIES WHEN INFLEXIBLE STANDARDS
24 AND FINES WOULD IMPOSE A DISPROPORTIONATE FINANCIAL HARDSHIP IN LIGHT OF
25 THE ENVIRONMENTAL BENEFITS TO BE GAINED;

26 7. GIVING PREFERENCE, WHERE PROPOSED BY A PERMITTEE, TO CONTROL
27 OPTIONS THAT MEET PRESUMPTION APPROACH PERFORMANCE CRITERIA AND DEMON-
28 STRATE SIGNIFICANT POLLUTION REDUCTION RATHER THAN MANDATING SPECIFIC
29 DESIGNS;

30 8. ALLOWING ADEQUATE TIME AND FLEXIBILITY FOR IMPLEMENTATION SCHEDULES
31 WHEN JUSTIFIED BY A CLEAR ENVIRONMENTAL BENEFIT, A COMMUNITY'S ABILITY
32 TO RAISE OR SECURE ADEQUATE FUNDS, AN ANALYSIS CONCLUDING THAT THE COSTS
33 OF A SHORTER IMPLEMENTATION SCHEDULE OUTWEIGH THE BENEFITS OF FASTER
34 IMPLEMENTATION, OR OTHER FACTORS; AND

35 9. THE FACTORS SET FORTH IN THE UNITED STATES ENVIRONMENTAL PROTECTION
36 AGENCY'S "COMBINED SEWER OVERFLOW CONTROL POLICY" THAT MAY EASE THE COST
37 BURDENS OF IMPLEMENTING LONG-TERM CONTROL PLANS, INCLUDING BUT NOT
38 LIMITED TO SMALL SYSTEM CONSIDERATIONS, THE ATTAINABILITY OF WATER QUAL-
39 ITY STANDARDS, AND THE DEVELOPMENT OF WET WEATHER STANDARDS.

40 S 2. Section 1161 of the public health law, as amended by chapter 355
41 of the laws of 2014, is amended to read as follows:

42 S 1161. Eligible projects; priority ranking. Subject to the provisions
43 of section thirty-two of [the] chapter FOUR HUNDRED THIRTEEN of the laws
44 of 1996 [which added this section], in consultation with the commission-
45 er of environmental conservation, the commissioner shall establish and
46 maintain a list of potentially eligible projects and shall establish,
47 pursuant to rules and regulations, a process for listing potentially
48 eligible projects identified by potential recipients and a priority
49 ranking system for the purpose of providing financial assistance to
50 recipients for such projects under this title. In establishing such
51 system, the commissioner shall take into account the public health
52 significance of such potentially eligible projects which shall include,
53 but need not be limited to, an assessment of (i) public health and safe-
54 ty; (ii) population affected; (iii) attainment of state drinking water
55 quality goals and standards; (iv) taking into consideration the water

1 resources management strategy pursuant to title twenty-nine of article
2 fifteen of the environmental conservation law; (v) taking into consider-
3 ation future physical climate risk due to sea level rise, and/or storm
4 surges and/or flooding, based on available data predicting the likeli-
5 hood of future extreme weather events, including hazard risk analysis
6 data if applicable; [and] (vi) STORMWATER BEST MANAGEMENT PRACTICES,
7 INCLUDING SOURCE AND NONPOINT SOURCE CONTROL MEASURES, THEIR TECHNICAL
8 AND ENVIRONMENTAL FEASIBILITY, BENEFITS, COSTS AND COST-EFFECTIVENESS, A
9 MUNICIPALITY'S ABILITY TO PAY AND THE AFFORDABILITY OF CONTROL OPTIONS;
10 AND (VII) compliance with state and federal law, rules and regulations.
11 S 3. This act shall take effect immediately.

12 PART F

13 Section 1. Section 119-o of the general municipal law is amended by
14 adding a new subdivision 4 to read as follows:

15 4. FOR THE PURPOSES OF THIS SECTION, A JOINT WATER, SEWAGE OR DRAINAGE
16 PROJECT SHALL INCLUDE ANY STORMWATER MANAGEMENT PROJECT AS DEFINED IN
17 SUBDIVISION A OF SECTION ONE OF SUBPART B OF THE NEW YORK STATE STORMWA-
18 TER FINANCING ACT OF TWO THOUSAND SIXTEEN.

19 S 2. Section 20 of the general city law is amended by adding a new
20 subdivision 8-b to read as follows:

21 8-B. TO ADOPT A LOCAL LAW OR ORDINANCE OR TAKE SUCH ACTION AS MAY BE
22 REQUIRED TO ADOPT PLANS AND SPECIFICATIONS AND ENTER INTO A CONTRACT OR
23 CONTRACTS, APPLY FOR FUNDING UNDER THE NEW YORK STATE STORMWATER MANAGE-
24 MENT FINANCING ACT OF TWO THOUSAND SIXTEEN, OR TAKE SUCH OTHER ACTIONS
25 AS MAY BE REQUIRED, FOR THE PROTECTION AND RESTORATION OF GROUNDWATER,
26 SURFACE WATERS AND DRINKING WATER QUALITY AS IT MAY DEEM TO BE NECESSARY
27 OR DESIRABLE, INCLUDING BUT NOT LIMITED TO STORMWATER TREATMENT PROJECTS
28 AND WETLAND CONSTRUCTION.

29 S 3. Section 250 of the county law, as amended by chapter 388 of the
30 laws of 1980, the opening paragraph as amended by chapter 620 of the
31 laws of 1996, subdivision 1-a as amended by section 73 of part A of
32 chapter 58 of the laws of 2010, subdivision 4-a as added by chapter 761
33 of the laws of 1981, subdivision 6 as amended by chapter 622 of the laws
34 of 1984, and subdivision 8 as amended by chapter 184 of the laws of
35 1981, is amended to read as follows:

36 S 250. Purpose. The board of supervisors of each county may establish,
37 consolidate, or extend county water, water quality treatment, sewer,
38 wastewater disposal, drainage, STORMWATER UTILITY, or refuse districts
39 (hereinafter referred to in this article as the "district") in the
40 manner hereinafter provided:

41 1. For the purpose of developing or acquiring a supply of water for
42 (a) wholesale distribution to other municipalities, districts or
43 persons, corporate or otherwise, within the county water district, (b)
44 retail distribution, except as hereinafter provided, or (c) both such
45 wholesale and retail distribution;

46 1-a. For the purpose of (a) procuring by purchase, lease or other
47 means and installing water quality treatment units or devices, if
48 required; providing periodic testing and monitoring of raw and finished
49 water from private wells in the district; monitoring, modifying, repair-
50 ing, replacing, operation and maintenance, regenerating water quality
51 treatment units and devices and the administering of the treatment and
52 disposal of residuals generated in the operation of the district pursu-
53 ant to rules and regulations adopted by the public health and health
54 planning council under section two hundred twenty-five of the public

1 health law; (b) assisting local, state and federal agencies and offi-
2 cials in efforts to establish causes of, and implement remedial measures
3 to reduce water contamination and protect future water resources within
4 the district; (c) conduct public meetings and issue an annual public
5 report to members of the district on the operation, financial position
6 and water quality condition of said district; provided, however, that
7 with respect to any town in the county the board of supervisors shall
8 first determine that such district or service will not be established or
9 provided by such town.

10 2. For the purpose of (a) the conveyance from other municipalities and
11 districts within the county of sewage, and treatment and disposal there-
12 of, (b) collection, except as hereinafter provided, or (c) both such
13 conveyance and such collection;

14 3. For the purpose of administration and planning (including educa-
15 tional programs), design, installation, construction, rehabilitation,
16 replacement, operation and maintenance (including pumping and
17 inspections), monitoring, residual treatment and disposal and regulation
18 of private on-site wastewater disposal systems of such district;

19 4. For the purpose of drainage of storm water and other waters, either
20 surface or subsurface, within the county;

21 4-a. For the purpose of effecting lake protection and rehabilitation,
22 and any activities necessarily related thereto.

23 5. For the purpose of the collection and disposition of garbage,
24 ashes, rubbish and other waste matter within the county.

25 5-A. FOR THE PURPOSE OF THE PROTECTION AND RESTORATION OF GROUNDWATER,
26 SURFACE WATERS AND DRINKING WATER QUALITY AS IT MAY BE DEEMED TO BE
27 NECESSARY OR DESIRABLE, INCLUDING BUT NOT LIMITED TO STORMWATER TREAT-
28 MENT PROJECTS AND WETLAND CONSTRUCTION.

29 6. A county district established hereunder may consist of two or more
30 noncontiguous areas in which the water, sewer, wastewater disposal,
31 drainage or refuse system (hereinafter referred to in this article as
32 the "system") will be interrelated and interdependent, however, in
33 Suffolk county the term "interrelated and interdependent" shall be
34 deemed to mean that the noncontiguous areas must be within the county
35 and have the same administrative head. However, a water quality treat-
36 ment district established hereunder may consist of noncontiguous or
37 contiguous benefited parcels of property and shall be created by a
38 resolution of the county board of supervisors, upon petition after a
39 public hearing.

40 7. Except in the county of Suffolk, no county district shall be estab-
41 lished hereunder which shall consist wholly of territory within one
42 city, within one village or within that portion of one town outside of a
43 village.

44 8. Notwithstanding any other provision of law a sewer district may
45 also exercise all the powers of a wastewater disposal district if the
46 map and plan prepared pursuant to section two hundred fifty-three of
47 this [chapter] ARTICLE, or amended pursuant to section two hundred
48 fifty-three-b of this [chapter] ARTICLE, includes on-site wastewater
49 disposal systems.

50 S 4. Paragraphs (d) and (e) of subdivision 4 of section 7-741 of the
51 village law, as amended by chapter 242 of the laws of 1993, are amended
52 and a new paragraph (f) is added to read as follows:

53 (d) provide for a land use administration and enforcement program
54 which may replace individual land use administration and enforcement
55 programs, if any, the terms and conditions of which shall be set forth
56 in such agreement; [and]

1 (e) create an intermunicipal overlay district for the purpose of
2 protecting, enhancing or developing community resources that encompass
3 two or more municipalities[.]; AND

4 (F) CREATE AN INTERMUNICIPAL WATERSHED IMPROVEMENT DISTRICT AND ENTER
5 INTO A CONTRACT OR CONTRACTS, APPLY FOR FUNDING UNDER THE NEW YORK STATE
6 STORMWATER MANAGEMENT FINANCING ACT OF 2016, OR TAKE SUCH OTHER ACTIONS
7 AS MAY BE REQUIRED, FOR THE PROTECTION AND RESTORATION OF GROUNDWATER,
8 SURFACE WATERS, AND DRINKING WATER QUALITY AS IT MAY DEEM TO BE NECES-
9 SARY OR DESIRABLE, INCLUDING BUT NOT LIMITED TO STORMWATER TREATMENT
10 PROJECTS THAT ENCOMPASS TWO OR MORE MUNICIPALITIES.

11 S 5. Severability. If any clause, sentence, paragraph, section, or
12 part of this act shall be adjudged by any court of competent jurisdic-
13 tion to be invalid, such judgment shall not affect, impair or invalidate
14 the remainder thereof, but shall be confined in its operation to the
15 clause, sentence, paragraph, section, or part thereof involved in the
16 controversy in which such judgment shall have been rendered.

17 S 6. This act shall take effect immediately.

18 S 3. Severability. If any clause, sentence, paragraph, section, or
19 part of this act shall be adjudged by any court of competent jurisdic-
20 tion to be invalid, such judgment shall not affect, impair or invalidate
21 the remainder thereof, but shall be confined in its operation to the
22 clause, sentence, paragraph, section, or part thereof involved in the
23 controversy in which such judgment shall have been rendered.

24 S 4. This act shall take effect immediately provided, however, that
25 the applicable effective date of Parts A through F of this act shall be
26 as specifically set forth in the last section of such Parts.