

5422

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

AN ACT to enact the "New York state municipal separate stormwater sewer system mandate relief act of 2015"; to enact the "New York state stormwater management financing act of 2015"; 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 2015 (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)

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

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

LBD10713-03-5

1 Section 1. Short title. This act may be known and be cited as the "New
2 York state municipal separate stormwater sewer system mandate relief act
3 of 2015".

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

15

PART A

16 Section 1. Short title. This act may be known and be cited as the
17 "New York state stormwater management financing act of 2015."

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

28

SUBPART A

29 Section 1. Notwithstanding any other provision of law, rule or regu-
30 lation to the contrary, any monies received by the state from any
31 settlement with Deutsche Bank shall be used to provide state assistance
32 for a water project referred to in section 1045-b of the public authori-
33 ties law or a non-agricultural nonpoint source abatement and control
34 project referred to in section 17-1409 of the environmental conservation
35 law.

36 As used in this section, the term "settlement revenue" shall mean the
37 sum of all revenue received as a result of civil litigation involving
38 Deutsche Bank in state fiscal year 2015-2016.

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

49 S 2. This act shall take effect immediately.

50

SUBPART B

1 Section 1. For purposes of this act:

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

9 b. "Construction" shall mean:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

28 S 2. This act shall take effect immediately.

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

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

38

PART B

39 Section 1. The sum of six hundred million dollars (\$600,000,000), or
40 so much thereof as may be necessary, is hereby appropriated to the
41 department of environmental conservation from any moneys in the state
42 treasury in the general fund to the credit of the aid to localities
43 account not otherwise appropriated for the purposes of carrying out the
44 provisions of the New York state stormwater management financing act of
45 2015. Up to two hundred million dollars (\$200,000,000) shall be avail-
46 able from this appropriation in state fiscal year 2015-16, up to an
47 additional two hundred million dollars (\$200,000,000) shall be available
48 in state fiscal year 2016-17, and up to an additional two hundred
49 million dollars (\$200,000,000) shall be available in state fiscal year
50 2017-18. All or a portion of such funds may be suballocated or trans-
51 ferred to the environmental facilities corporation, the department of
52 health, the department of state or the soil and water conservation
53 committee provided that the amount suballocated or transferred is used
54 for the purposes of financing stormwater management projects. Such sum

1 shall be payable on the audit and warrant of the state comptroller on
2 vouchers certified or approved by the commissioner of environmental
3 conservation, or his or her duly designated representative in the manner
4 provided by law. No expenditure shall be made from this appropriation
5 until a certificate of approval of availability shall have been issued
6 by the director of the budget and filed with the state comptroller and a
7 copy filed with the chairman of the senate finance committee and the
8 chairman of the assembly ways and means committee. Such certificate may
9 be amended from time to time by the director of the budget and a copy of
10 each such amendment shall be filed with the state comptroller, the
11 chairman of the senate finance committee and the chairman of the assem-
12 bly ways and means committee.

13 S 2. This act shall take effect immediately.

14

PART C

15 Section 1. Paragraphs (e) and (f) of subdivision 3 of section 1285-m
16 of the public authorities law, as added by chapter 413 of the laws of
17 1996, are amended and a new paragraph (g) is added to read as follows:

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

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

21 (G) MONEYS APPROPRIATED PURSUANT TO THE NEW YORK STATE STORMWATER
22 MANAGEMENT FINANCING ACT OF TWO THOUSAND FIFTEEN.

23 S 2. Section 97-ddd of the state finance law, as added by chapter 432
24 of the laws of 1997, is REPEALED and a new section 99-x is added to read
25 as follows:

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

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

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

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

51 S 3. This act shall take effect immediately.

52

PART D

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

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

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

11 10-g. Watershed protection improvement district. After a watershed
12 protection improvement district has been established, the town board may
13 take such action as may be required to adopt plans and specifications
14 and enter into a contract or contracts, APPLY FOR FUNDING UNDER THE NEW
15 YORK STATE STORMWATER MANAGEMENT FINANCING ACT OF TWO THOUSAND FIFTEEN,
16 or take such other actions as may be required, for the protection and
17 restoration of groundwater, surface waters, and drinking water quality
18 as it may deem to be necessary or desirable, including but not limited
19 to stormwater treatment projects and wetland construction.

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

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

32 S 4. Section 119-c of the general municipal law, as added by chapter
33 346 of the laws of 1955, is amended to read as follows:

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

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

53 S 6. This act shall take effect immediately.

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

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

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

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

15 2. AFFORDABILITY OF CONTROL OPTIONS;

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

18 4. PROMOTION OF GREEN INFRASTRUCTURE;

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

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

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

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

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

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

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

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

PART F

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

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

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

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

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

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

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

44 1-a. For the purpose of (a) procuring by purchase, lease or other
45 means and installing water quality treatment units or devices, if
46 required; providing periodic testing and monitoring of raw and finished
47 water from private wells in the district; monitoring, modifying, repair-
48 ing, replacing, operation and maintenance, regenerating water quality
49 treatment units and devices and the administering of the treatment and
50 disposal of residuals generated in the operation of the district pursu-
51 ant to rules and regulations adopted by the public health and health
52 planning council under section two hundred twenty-five of the public
53 health law; (b) assisting local, state and federal agencies and offi-
54 cials in efforts to establish causes of, and implement remedial measures

1 to reduce water contamination and protect future water resources within
2 the district; (c) conduct public meetings and issue an annual public
3 report to members of the district on the operation, financial position
4 and water quality condition of said district; provided, however, that
5 with respect to any town in the county the board of supervisors shall
6 first determine that such district or service will not be established or
7 provided by such town.

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

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

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

19 4-a. For the purpose of effecting lake protection and rehabilitation,
20 and any activities necessarily related thereto.

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

23 5-A. FOR THE PURPOSE OF THE PROTECTION AND RESTORATION OF GROUNDWATER,
24 SURFACE WATERS AND DRINKING WATER QUALITY AS IT MAY BE DEEMED TO BE
25 NECESSARY OR DESIRABLE, INCLUDING BUT NOT LIMITED TO STORMWATER TREAT-
26 MENT PROJECTS AND WETLAND CONSTRUCTION.

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

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

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

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

51 (d) provide for a land use administration and enforcement program
52 which may replace individual land use administration and enforcement
53 programs, if any, the terms and conditions of which shall be set forth
54 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 2015, 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.