

STATE OF NEW YORK

10927

IN ASSEMBLY

May 29, 2018

Introduced by M. of A. GOTTFRIED -- read once and referred to the
Committee on Health

AN ACT to amend the public health law, in relation to notification
levels of emerging contaminants

The People of the State of New York, represented in Senate and Assem-
bly, do enact as follows:

1 Section 1. Subdivisions 6, 7 and 9 of section 1112 of the public
2 health law, as added by section 1 of part M of chapter 57 of the laws of
3 2017, are amended to read as follows:

4 6. The commissioner shall promulgate regulations establishing notifi-
5 cation levels for any emerging contaminant listed pursuant to subdivi-
6 sion three of this section. Any notification level established pursuant
7 to this subdivision shall be equal to or lower than any federal lifetime
8 health advisory level established pursuant to the federal Safe Drinking
9 Water Act (42 U.S.C. § 300g-1). If no federal lifetime health advisory
10 level has been established, the commissioner shall establish notifica-
11 tion levels based upon the available scientific information, and may
12 take into consideration recommendations of the drinking water quality
13 council established pursuant to section eleven hundred thirteen of this
14 title. Such notification levels shall be made easily accessible to the
15 public through a link that is posted on the department's website and
16 updated regularly.

17 7. Notwithstanding subdivision three of this section, the commissioner
18 may, by declaration, add any physical, chemical, microbiological or
19 radiological substance to the list of emerging contaminants established
20 pursuant to subdivision three of this section, establish a notification
21 level, and require testing for such substance, if the commissioner
22 determines that: (i) such substance poses or has the potential to pose a
23 significant hazard to human health when present in drinking water; (ii)
24 such substance was recently detected in a public water system and has
25 the potential to be present in other public water systems; and (iii) it
26 appears to be prejudicial to the interests of the people to delay action
27 by preparing and filing regulations. The commissioner shall, however,
28 promulgate regulations adding such new emerging contaminant or estab-

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

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1 lishing such notification level within one year of such declaration.
2 Such declaration shall clearly state where and the date by which such
3 testing must occur. After the commissioner promulgates regulations
4 adding such emerging contaminant, such regulations shall supersede the
5 declaration issued pursuant to this subdivision. Until such notifica-
6 tion levels are posted on the department's website pursuant to subdivi-
7 sion six of this section, the commissioner shall post the notification
8 levels established by declaration on such website so that they are easi-
9 ly accessible through a link to the public.

10 9. The commissioner shall work in consultation with the commissioner
11 of the department of environmental conservation to develop educational
12 materials, and may take into consideration recommendations of the drink-
13 ing water quality council established pursuant to section eleven hundred
14 thirteen of this title. Such educational materials shall be made avail-
15 able through a link on the department's website that is easily accessi-
16 ble to the covered public water system and the general public, relating
17 to methodologies for reducing exposure to emerging contaminants and
18 potential actions that may be taken to mitigate or remediate emerging
19 contaminants. Such link shall also include information relating to
20 notification levels established by declaration pursuant to subdivision
21 seven of this section and by regulation pursuant to subdivision six of
22 this section. The commissioner shall coordinate with the United States
23 Environmental Protection Agency to ensure that the information available
24 on the EPA's Drinking Water Watch website is available to public water
25 systems and that information available on the EPA's Safe Drinking Water
26 Information System is available to the public through an easily accessi-
27 ble link on the department's website. The website and such links shall
28 allow, to the extent practicable, the public to easily access informa-
29 tion including but not limited to, basic water system information,
30 including system identification number, name and type, department
31 contacts, public notices, violations and enforcement actions taken by
32 the state and federal government. The website and such links shall be
33 monitored and updated regularly by the department. The commissioner
34 shall also provide the covered public water system with information
35 relating to potential funding sources provided by the state and federal
36 government for mitigation or remedial activities, and to reduce the
37 exposure to emerging contaminants.

38 § 2. This act shall take effect immediately.