

# STATE OF NEW YORK

5473

2017-2018 Regular Sessions

## IN ASSEMBLY

February 9, 2017

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

AN ACT to amend the public health law, in relation to establishing the drinking water quality institute and providing for its duties

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

Section 1. Article 2 of the public health law is amended by adding a new title VII to read as follows:

### TITLE VII

### DRINKING WATER QUALITY

### INSTITUTE

Section 267. Drinking water quality institute; established.

§ 267. Drinking water quality institute; established. 1. There shall be established, within the department, the drinking water quality institute. Such institute shall be composed of seventeen members as follows:

(a) the commissioner;

(b) the commissioner of environmental conservation;

(c) the director of the office of remediation and materials with the department of environmental conservation;

(d) the director of the office of water resources within the department of environmental conservation;

(e) the director of the center for environmental health within the department;

(f) the director of the bureau of occupational health and injury prevention within the department;

(g) the director of the bureau of water supply protection within the department;

(h) the director of the watershed protection and partnership councils within the department of state;

(i) three members appointed by the governor;

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

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1 (j) three members appointed by the temporary president of the senate;  
2 and

3 (k) three members appointed by the speaker of the assembly.

4 2. (a) Of the members appointed to the drinking water quality insti-  
5 tute, the governor, temporary president of the senate and the speaker of  
6 the assembly shall each appoint:

7 (i) one member who represents water purveyors, of which one appointing  
8 authority shall appoint a representative of water purveyors whose prima-  
9 ry water source is an underground source or sources;

10 (ii) one member who represents the academic scientific community; and

11 (iii) one member representing the public, who has a background in  
12 environmental health issues.

13 (b) The members of such institute appointed pursuant to paragraphs  
14 (i), (j) and (k) of subdivision one of this section shall serve terms of  
15 three years; provided, however, that of the initial appointments:

16 (i) the water purveyor representative appointed by the governor, the  
17 academic scientific representative appointed by the temporary president  
18 of the senate and the public representative appointed by the speaker of  
19 the assembly shall serve initial terms of one year;

20 (ii) the public representative appointed by the governor, the water  
21 purveyor representative appointed by the temporary president of the  
22 senate and the academic scientific representative appointed by the  
23 speaker of the assembly shall serve initial terms of two years;

24 (iii) the remaining appointed members shall serve initial terms of  
25 three years.

26 (c) The members appointed pursuant to paragraphs (i), (j) and (k) of  
27 subdivision one of this section shall each serve his or her term of  
28 office or until his or her successor is appointed; provided that any  
29 vacancy in the position of an appointed member shall be filled in the  
30 same manner as the original appointment and only for the unexpired term  
31 of the vacancy. Provided, further, that any appointed member of the  
32 drinking water quality institute may be removed for cause by his or her  
33 appointing authority after a public hearing.

34 3. The members of the drinking water quality institute shall receive  
35 no compensation for their services, but shall be allowed their actual  
36 and necessary expenses incurred in the performance of their duties  
37 pursuant to this title.

38 4. The drinking water quality institute shall meet at such times and  
39 places as may be determined by its chair, who shall be elected from the  
40 membership of such institute by a majority of the members. The institute  
41 shall meet at a minimum of biannually. A majority of the members of such  
42 institute shall constitute a quorum for the transaction of business.  
43 Action may be taken, and motions and resolutions adopted at any meeting  
44 by the affirmative vote of a majority of the full membership of the  
45 institute.

46 5. The institute shall make recommendations to the department relating  
47 to:

48 (a) developing a list of contaminants for which testing shall be  
49 required by all public water systems, which shall include both supplies  
50 serving populations of ten thousand and less and populations of ten  
51 thousand or more;

52 (b) developing maximum contaminant levels for unregulated contam-  
53 inants;

54 (c) conducting scientific studies or scientific based research, as  
55 well as conducting public outreach;

1 (d) establishing a clear notification process for municipalities and  
2 state agencies dealing with water quality issues, when there are actual  
3 or potential unregulated contaminate threats including, but not limited  
4 to, clear and concise documents to be utilized when notifying the  
5 public;

6 (e) developing appropriate testing techniques to measure maximum  
7 contaminant levels;

8 (f) developing the frequency with which testing should occur;

9 (g) ensuring state officials are aware of the most up-to-date research  
10 and science regarding water quality and contaminants;

11 (h) working with other state agencies and the federal government to  
12 ensure funds are available and accessible, parties known to be responsi-  
13 ble for the pollution are pursued, and remediation and cleanup projects  
14 occur in a timely manner; and

15 (i) anything else the department or the department of environmental  
16 conservation designates.

17 6. The drinking water quality institute shall be entitled to request  
18 and receive assistance, facilities and resources of any state, municipal  
19 department, board, commission or agency that may be required or are  
20 deemed necessary for the purposes of such institute.

21 7. The drinking water quality institute shall report to the legisla-  
22 ture within one year of the initial convening of such institute and  
23 annually thereafter on its activities and recommendations.

24 § 2. This act shall take effect immediately.