

# STATE OF NEW YORK

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5824--A

2017-2018 Regular Sessions

## IN ASSEMBLY

February 16, 2017

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Introduced by M. of A. SANTABARBARA, THIELE, SKARTADOS -- read once and referred to the Committee on Environmental Conservation -- recommitted to the Committee on Environmental Conservation in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to enact the "New York state water infrastructure relief act"

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

1 Section 1. Short title. This act shall be known and may be cited as  
2 the "New York state water infrastructure relief act".

3 § 2. For purposes of this act:

4 (a) "water quality infrastructure project" shall mean "sewage treat-  
5 ment works", as defined in section 17-1903 of the environmental conser-  
6 vation law; "eligible project", as defined in paragraphs (a), (b), (c)  
7 and (e) of subdivision 4 of section 1160 of the public health law;  
8 "stormwater collecting system", as defined in subdivision 27 of section  
9 56-0101 of the environmental conservation law; or septic system.

10 (b) "construction" shall mean:

11 (1) for sewage treatment works, as defined in section 17-1903 of the  
12 environmental conservation law;

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

15 (3) for stormwater collecting systems, as defined in subdivision 27 of  
16 section 56-0101 of the environmental conservation law the erection,  
17 building, acquisition, alteration, reconstruction, improvement or exten-  
18 sion of stormwater collecting systems; the inspection and supervision  
19 thereof; and the engineering, architectural, legal, fiscal and economic  
20 investigations and studies, surveys, designs, plans, working drawings,  
21 specifications, procedures, and other actions necessary thereto; and

22 (4) for septic systems, the erection, building, acquisition, alter-  
23 ation, reconstruction, improvement or extension of septic systems; the

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

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1 inspection and supervision thereof; and the engineering, architectural,  
2 legal, fiscal and economic investigations and studies, surveys, designs,  
3 plans, working drawings, specifications, procedures, and other actions  
4 necessary thereto.

5 (c) "municipality" shall mean any county, city, town, village,  
6 district corporation, county or town improvement district, school  
7 district, Indian nation or tribe recognized by the state or the United  
8 States with a reservation wholly or partly within the boundaries of New  
9 York state, any public benefit corporation or public authority estab-  
10 lished pursuant to the laws of New York or any agency of the state which  
11 is empowered to construct and operate a water quality infrastructure  
12 project, or any two or more of the foregoing which are acting jointly in  
13 connection with a water quality infrastructure project.

14 § 3. (a) The environmental facilities corporation shall undertake and  
15 provide state financial assistance payments, from funds appropriated for  
16 such purpose, to municipalities in support of water quality infrastruc-  
17 ture projects; provided, however, that in any such year that funds are  
18 made available pursuant to the clean water bond act of 2018 for such  
19 purpose, no municipality shall receive more than ten million dollars of  
20 such funds. Such financial assistance payments shall be awarded only to  
21 water quality infrastructure projects for:

22 (1) replacement, updating, installation, construction or repair of  
23 infrastructure; or

24 (2) compliance with environmental conservation and public health laws  
25 and regulations related to water quality.

26 (b) Any financial assistance payment awarded pursuant to this act  
27 shall not exceed eighty percent of the project cost.

28 (c) A municipality may make an application for such financial assist-  
29 ance payment, in a manner, form and timeframe and containing such infor-  
30 mation as the environmental facilities corporation may require;  
31 provided, however, such requirements shall not include a requirement for  
32 prior listing on the intended use plan.

33 (d) In addition to any application process and requirements that the  
34 environmental facilities corporation may establish pursuant to subdivi-  
35 sion (c) of this section, such corporation shall establish an expedited,  
36 emergency application and financial assistance payment process for a  
37 municipality submitting an application therefor. Such process shall  
38 require an applicant municipality to provide such evidence as shall be  
39 determined to be necessary by the environmental facilities corporation  
40 to prove that there exists a serious and immediate risk to public health  
41 or the environment which requires construction of the municipality's  
42 water quality infrastructure project as soon as practicable. Such corpo-  
43 ration shall accept and review such applications on a twenty-four hour a  
44 day, seven days a week basis to ensure virtually immediate response  
45 thereto. The environmental facilities corporation shall review and make  
46 a determination of whether to approve or deny an emergency application,  
47 and provide notice thereof to the municipality within 48 hours of the  
48 receipt of such application. Furthermore, within 24 hours of making a  
49 determination upon an emergency application, the environmental facili-  
50 ties corporation shall post the reasons for the determination of  
51 approval or denial on its internet website. In the event that an emer-  
52 gency application is approved, the environmental facilities corporation  
53 shall cause the financial assistance payment to be transmitted to the  
54 municipality within 72 hours of such approval. The denial of a munici-  
55 pality's emergency application shall not be deemed to bar such munici-  
56 pality from submitting an application pursuant to subdivision (c) of

1 this section nor shall it be deemed to be a determination of the appli-  
2 cation submitted pursuant to such subdivision.

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

8 (f) In awarding such state financial assistance payments, the environ-  
9 mental facilities corporation shall consider and give preference to  
10 projects that result in the greatest water quality improvement or great-  
11 est reduction in serious risk to public health.

12 § 4. This act shall take effect upon the approval of the electorate of  
13 the clean water bond act of 2018.