

STATE OF NEW YORK

6593--A

2017-2018 Regular Sessions

IN ASSEMBLY

March 9, 2017

Introduced by M. of A. FAHY, McDONALD, THIELE, ABBATE, GALEF, CAHILL, SEPULVEDA, KAVANAGH, JONES, JAFFEE, SIMON, WILLIAMS, ORTIZ, COOK, KEARNS, COLTON, CARROLL, JENNE -- read once and referred to the Committee on Environmental Conservation -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend part G of chapter 60 of the laws of 2015, relating to the New York State water infrastructure improvement act of 2015, in relation to providing priority consideration and increasing the grant awards for municipalities that have entered shared service agreements with other communities

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

1 Section 1. Part G of chapter 60 of the laws of 2015, relating to the
2 New York State water infrastructure improvement act of 2015, is amended
3 to read as follows:

4 PART G

5 Section 1. This act may be known and be cited as the "New York State
6 water infrastructure improvement act of 2015".

7 § 2. For purposes of this act:

8 1. "water quality infrastructure project" shall mean "sewage treatment
9 works" as defined in section 17-1903 of the environmental conservation
10 law or "eligible project" as defined in paragraphs (a), (b), (c) and (e)
11 of subdivision 4 of section 1160 of the public health law.

12 2. "construction" shall mean:

13 (a) for sewage treatment works, the same as defined in section 17-1903
14 of the environmental conservation law; and

15 (b) for eligible projects, the same meaning as defined in section 1160
16 of the public health law.

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

LBD10189-03-7

1 3. "municipality" shall mean any county, city, town, village, district
2 corporation, county or town improvement district, school district, Indi-
3 an nation or tribe recognized by the state or the United States with a
4 reservation wholly or partly within the boundaries of New York state,
5 any public benefit corporation or public authority established pursuant
6 to the laws of New York or any agency of New York state which is
7 empowered to construct and operate a water quality infrastructure
8 project, or any two or more of the foregoing which are acting jointly in
9 connection with a water quality infrastructure project.

10 4. "shared service water quality infrastructure project" shall have
11 the same meaning as provided in subdivision one of this section where
12 there also exists an agreement between two or more municipalities to
13 share, merge, or consolidate resources, or to cooperate in support of
14 such infrastructure projects.

15 § 3. 1. The environmental facilities corporation shall undertake and
16 provide state financial assistance payments, from funds appropriated for
17 such purpose, to municipalities in support of water quality infrastruc-
18 ture projects provided, however, in any such year that funds are appro-
19 priated for such purpose, no municipality shall receive more than five
20 million dollars of appropriated funds. Such state financial assistance
21 payments shall be awarded only to water quality infrastructure projects
22 for:

- 23 (a) replacement or repair of infrastructure; or
24 (b) compliance with environmental and public health laws and regu-
25 lations related to water quality.

26 2. The environmental facilities corporation shall undertake and
27 provide state financial assistance payments, from funds appropriated for
28 such purpose, jointly to municipalities described in subdivision four of
29 section two of this act in support of shared service water quality
30 infrastructure projects provided, however, in any such year that funds
31 are appropriated for such purpose, no such municipalities shall receive
32 more than fifteen million dollars of appropriated funds. Such state
33 financial assistance payments shall be awarded only to water quality
34 infrastructure projects for:

- 35 (a) replacement or repair of infrastructure; or
36 (b) compliance with environmental and public health laws and regu-
37 lations related to water quality.

38 [~~2~~] 3. Any state financial assistance payment awarded pursuant to
39 this act shall not exceed sixty percent of the project cost.

40 [~~3~~] 4. A municipality may make an application for such state finan-
41 cial assistance payment, in a manner, form and timeframe and containing
42 such information as the environmental facilities corporation may require
43 provided however, such requirements shall not include a requirement for
44 prior listing on the intended use plan.

45 [~~4~~] 5. A municipality shall not be required to accept environmental
46 facilities corporation loan financing in order to obtain a state finan-
47 cial assistance payment pursuant to this act if it can provide proof of
48 having obtained similarly low cost financing or other funding from
49 another source.

50 [~~5~~] 6. In awarding such state financial assistance payments, the
51 environmental facilities corporation shall consider and give preference
52 in the following order:

53 a. to municipalities requiring emergency replacement or repair of
54 infrastructure, and then

55 b. to municipalities that meet the hardship criteria established by
56 the environmental facilities corporation pursuant to section 1285-m of

1 the public authorities law and projects that result in the greatest
2 water quality improvement or greatest reduction in serious risk to
3 public health. For the purposes of this act, the hardship criteria of
4 section 1285-m of the public authorities law shall also apply to sewage
5 treatment works defined in section 17-1903 of the environmental conser-
6 vation law. Additionally, to municipalities described in subdivision
7 four of section two of this act, and then
8 c. to all other applications submitted by municipalities.
9 § 4. This act shall take effect April 1, 2015.
10 § 2. This act shall take effect immediately.