STATE OF NEW YORK

2490

2017-2018 Regular Sessions

IN SENATE

January 13, 2017

Introduced by Sen. PHILLIPS -- read twice and ordered printed, and when printed to be committed to the Committee on Health

AN ACT to amend the public health law, in relation to enacting the "well water and water supply education act"

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

Section 1. This act shall be known and may be cited as the "well water and water supply education act".

§ 2. Paragraph (b) of subdivision 2 of section 1102 of the public health law is amended and a new subdivision 4 is added to read as follows:

(b) If the local board of health of the health district wherein the violation or noncompliance occurs, fails to enforce the order of the commissioner within ten days after its receipt, the corporation furnishing such water supply or the municipality, state, or United States or state or United States institution, park, reservation or post deriving its water supply from the waters to which such rule or regulation relates, or the commissioner, or the local board of health of the health district wherein the water supply protected by these rules is used, or any person interested in the protection of the purity of the water supply, may maintain an action in a court of record which shall be tried in the county where the cause of action arose against such person, for the recovery of the penalties **and consequential damages** incurred by such violation, and for an injunction restraining the person violating such rule or regulation from the continued violation thereof.

4. Notwithstanding any provision of law to the contrary, any action to recover damages brought by the person, officer, board, or commission having the management and control of the potable water supply of a municipality, state or United States institution, park, reservation or post, or in the city of New York, the commissioner of environmental protection, or the board of water supply of the city of New York, or any

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

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entity furnishing such potable water supply pursuant to this chapter shall be commenced no later than ten years after the detection of a contaminant at levels exceeding one half of the applicable maximum contaminant level, or within three years after the effective date of this subdivision, whichever is later.

§ 3. This act shall take effect immediately and shall be deemed to have been in full force and effect on and after January 1, 2018.