# 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:**

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

PART G

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

§ 2. For purposes of this act:

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

2. "construction" shall mean:

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

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

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

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

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

§ 3. 1. The environmental facilities corporation shall undertake and provide state financial assistance payments, from funds appropriated for such purpose, to municipalities in support of water quality infrastructure projects provided, however, in any such year that funds are appropriated for such purpose, no municipality shall receive more than five million dollars of appropriated funds. Such state financial assistance payments shall be awarded only to water quality infrastructure projects for:

(a) replacement or repair of infrastructure; or

(b) compliance with environmental and public health laws and regulations related to water quality.

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

**(a) replacement or repair of infrastructure; or**

**(b) compliance with environmental and public health laws and regulations related to water quality.**

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

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

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

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

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

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

the public authorities law and projects that result in the greatest water quality improvement or greatest reduction in serious risk to public health. For the purposes of this act, the hardship criteria of section 1285-m of the public authorities law shall also apply to sewage treatment works defined in section 17-1903 of the environmental conservation law. **Additionally, to municipalities described in subdivision four of section two of this act, and then**

**c. to all other applications submitted by municipalities.**

§ 4. This act shall take effect April 1, 2015.

§ 2. This act shall take effect immediately.