STATE OF NEW YORK

3133--A

2023-2024 Regular Sessions

IN ASSEMBLY

February 2, 2023

Introduced by M. of A. STECK, McMAHON, LUPARDO -- 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 the environmental conservation law, in relation to establishing the safe water infrastructure action program

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

Section 1. The environmental conservation law is amended by adding a new article 76 to read as follows:

ARTICLE 76

SAFE WATER AND INFRASTRUCTURE ACTION PROGRAM

Section 76-0101. Safe water and infrastructure action program.

§ 76-0101. Safe water and infrastructure action program.

1. Notwithstanding any other provisions of this chapter or any other law and subject to an appropriation made therefor and in accordance with the provisions of this section and with the rules and regulations promulgated by the commissioner in connection therewith, on and after the first day of April, two thousand twenty-four, a consolidated local infrastructure program is hereby established for the purpose of making payments toward the replacement and rehabilitation of existing local municipally-owned and funded drinking water, storm water and sanitary sewer systems. For purposes of this section, such program shall apply to any drinking water system, storm water system or sanitary sewer system within the state that is under the maintenance and/or operational jurisdiction of a county, city, town, village or public authority; provided, however, that such system shall not be under the maintenance and/or operational jurisdiction of a private entity; provided further, however, that such program shall not apply to a system that is under the maintenance and/or operational jurisdiction of a city with a population of one million or more. The commissioner, in conjunction with the environmental

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

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facilities corporation, shall promulgate all necessary rules and regulations to carry out the program so that an equitable distribution of aid shall be made for the general operation and/or general maintenance of any such existing drinking water system, storm water system or sanitary sewer system. Existing water infrastructure includes all the man-made and natural features that move and treat water in terms of drinking water, waste water, and storm water. Monies from this fund may be used for maintenance and repairs of existing water infrastructure as well as new water infrastructure expansion, but only into already developed areas so as not to support sprawl and development of natural areas. Already developed areas are those that are zoned/defined by municipalities as of January first, two thousand twenty-three as commercial and residential use.

2. On or before the twenty-fifth day of April, June, September and November of each state fiscal year commencing with the state fiscal year beginning on April first, two thousand twenty-five, there shall be distributed and paid to counties, cities, towns, villages and public authorities an amount equal to the moneys appropriated for the purposes of this section divided by the number of payment dates in that state fiscal year. Such amounts shall be distributed and paid pursuant to subdivision three of this section.

3. Amounts shall be distributed for local drinking water, storm water and sanitary sewer systems based upon a funding formula that the department and the department of health shall create taking into consideration factors including but not limited to: the system's length and width of pipes; other physical assets maintained by the system, including treatment facilities and pumping stations; the age of the system's infrastructure; and relevant socioeconomic factors, including the presence of disadvantaged communities within a system's service area, to achieve an equitable distribution of aid.

4. Monies made available may be used to match other state and federal funds made available for such projects. The remainder of the apportionment may be used for any existing drinking water, storm water or sewer system purchases, including but not limited to, the acquisition of materials for the replacement or rehabilitation.

5. For any city, town, village or public authority which proposes infrastructure consolidation under this section or merges with another municipality, the funds appropriated under this section may fund costs associated with such consolidation.

6. For each fiscal year, starting in two thousand twenty-five, funds are to be made available to the local infrastructure assistance account of the general fund, and distributed from that account.

7. At the end of each fiscal year, each county, city, town, village and public authority that receives funding pursuant to this section shall submit an annual report to the department detailing how such money was used. The department shall compile all reports and submit them to the comptroller for their review. Once a report is finalized, it shall be made publicly available on the department's website. The department and the comptroller shall reserve the right to conduct sight visits to ensure the money is being used accurately.

§ 2. This act shall take effect on the thirtieth day after it shall have become a law.