

# 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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1 facilities corporation, shall promulgate all necessary rules and regu-  
2 lations to carry out the program so that an equitable distribution of  
3 aid shall be made for the general operation and/or general maintenance  
4 of any such existing drinking water system, storm water system or sani-  
5 tary sewer system. Existing water infrastructure includes all the man-  
6 made and natural features that move and treat water in terms of drinking  
7 water, waste water, and storm water. Monies from this fund may be used  
8 for maintenance and repairs of existing water infrastructure as well as  
9 new water infrastructure expansion, but only into already developed  
10 areas so as not to support sprawl and development of natural areas.  
11 Already developed areas are those that are zoned/defined by munici-  
12 palities as of January first, two thousand twenty-three as commercial  
13 and residential use.

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

22 3. Amounts shall be distributed for local drinking water, storm water  
23 and sanitary sewer systems based upon a funding formula that the depart-  
24 ment and the department of health shall create taking into consideration  
25 factors including but not limited to: the system's length and width of  
26 pipes; other physical assets maintained by the system, including treat-  
27 ment facilities and pumping stations; the age of the system's infras-  
28 tructure; and relevant socioeconomic factors, including the presence of  
29 disadvantaged communities within a system's service area, to achieve an  
30 equitable distribution of aid.

31 4. Monies made available may be used to match other state and federal  
32 funds made available for such projects. The remainder of the apportion-  
33 ment may be used for any existing drinking water, storm water or sewer  
34 system purchases, including but not limited to, the acquisition of mate-  
35 rials for the replacement or rehabilitation.

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

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

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

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