

STATE OF NEW YORK

5851

2023-2024 Regular Sessions

IN ASSEMBLY

March 23, 2023

Introduced by M. of A. LEVENBERG -- read once and referred to the
Committee on Environmental Conservation

AN ACT to amend the environmental conservation law, in relation to
establishing the wastewater infrastructure and drinking water program;
and making an appropriation therefor

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

1 Section 1. The environmental conservation law is amended by adding a
2 new section 3-0322 to read as follows:

3 § 3-0322. Wastewater infrastructure and drinking water program.

4 1. Notwithstanding any other provisions of this chapter or any other
5 law, rule or regulation, and subject to an appropriation made therefor
6 and in accordance with the provisions of this section and with the rules
7 and regulations promulgated by the commissioner in connection therewith,
8 on and after the first day of April, two thousand twenty-four, a waste-
9 water infrastructure and drinking water program is hereby established
10 for the purpose of making payments toward the replacement and rehabili-
11 tation of existing local municipally-owned and funded drinking water,
12 storm water and sanitary sewer systems. For purposes of this section,
13 such program shall apply to any drinking water system, storm water
14 system or sanitary sewer system within the state that is under the main-
15 tenance and/or operational jurisdiction of a county, city, town, village
16 or public authority; provided, however, that such system shall not be
17 under the maintenance and/or operational jurisdiction of a private enti-
18 ty. The commissioner, in conjunction with the environmental facilities
19 corporation, shall promulgate all necessary rules and regulations to
20 carry out the program so that an equitable distribution of aid shall be
21 made for the general operation and/or general maintenance of any such
22 existing drinking water system, storm water system or sanitary sewer
23 system.

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

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1 2. Such program shall offer grants to municipalities to help pay for
2 the initial planning of eligible Clean Water State Revolving Fund
3 (CWSRF) water quality projects.

4 3. Funding may be used by municipalities for the preparation of an
5 engineering report. This includes planning activities to determine the
6 scope of water quality issues, evaluation of alternatives, and the
7 recommendation of a capital improvement project. In addition, the costs
8 to conduct an environmental review for the recommended alternative are
9 eligible. Design and construction costs are not eligible. Priority shall
10 be given to municipalities proposing planning activities that are:

11 (a) required by an executed Order on Consent; or

12 (b) required by a draft or final State Pollutant Discharge Elimination
13 System (SPDES) permit (e.g. nutrient removal, inflow and infiltration,
14 disinfection); or

15 (c) upgrading or replacing an existing wastewater system; or

16 (d) constructing a wastewater treatment and/or collection system for
17 an area with failing onsite septic systems; or

18 (e) addressing a pollutant of concern in a watershed implementation
19 plan (i.e. Total Maximum Daily Load (TMDL), Nine Element Watershed Plan,
20 or DEC HABS Action Plan).

21 § 2. The sum of six million dollars (\$6,000,000) is hereby appropri-
22 ated to the department of environmental conservation out of any moneys
23 in the state treasury in the general fund, not otherwise appropriated,
24 and made immediately available, for the purposes of providing emergency
25 municipal drinking water, wastewater and storm water infrastructure
26 grants for infrastructure projects where there is an imminent threat to
27 the environment and/or the public health, specifically for the wastewa-
28 ter infrastructure and drinking water program. Such moneys shall be
29 payable on the audit and warrant of the comptroller on vouchers certi-
30 fied or approved by the department of environmental conservation.

31 § 3. This act shall take effect on the one hundred twentieth day after
32 it shall have become a law.